



# General Bylaws

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## **Division 1**

# **GENERAL BYLAWS**

# **PART I**

## **ADMINISTRATIVE LEGISLATION**

## Chapter 1

### GENERAL PROVISIONS

#### ARTICLE I Provisions Applicable to Bylaws

- § 1-1. Definitions and word usage
- § 1-2. Adoption of prior compiled bylaws; severability

- § 1-3 Effect of repeal
- § 1-4 Effect of change of title of boards
- § 1-5 Power of license
- § 1-6 Manner of adoption or amendment and repeal of bylaws
- § 1-7 Violations and penalties

[HISTORY: Adopted by Town Meeting of the Town of Uxbridge as indicated in article histories.]

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#### ARTICLE I Provisions Applicable to Bylaws [Adopted (Section I of the 2005 Compiled General Bylaws)]

##### § 1-1. Definitions and word usage

As used in the General Bylaws, the following terms shall have the meanings indicated:

SHALL — The word “shall” is obligatory.

##### § 1-2. Adoption of prior compiled bylaws; severability

The following provisions shall constitute the Revised Bylaws of the Town of Uxbridge; all previous bylaws inconsistent with the bylaws hereinafter contained are hereby expressly repealed, excepting Zoning Bylaws of the Town of Uxbridge as approved by the Attorney General on October 24, 1957. If any article, section or subsection of any Article of these Revised Bylaws is declared unconstitutional or illegal by any state authority, having jurisdiction thereof, the validity of the remaining provisions of these Revised Bylaws shall not be affected thereby.

##### § 1-3. Effect of repeal

The repeal of a bylaw shall not thereby have the effect of reviving any bylaw thereto before repealed.

##### § 1-4. Effect of change of title of boards

Words and phrases specifying or naming any officer, board, or committee of the Town shall be construed as including the lawful successor, or the person having the powers and performing the duties of such officer, board, or committee.

##### § 1-5. Power to license

When in a bylaw anything is prohibited from being done without the license or permission of a certain officer, board, or committee, such officer, board, or committee shall have the right to license or to permit such things to be done.

**§ 1-6. Manner of adoption or amendment and repeal of bylaws**

Any or all of these bylaws may be repealed or amended or other bylaws may be adopted by a two-thirds vote at any Town Meeting whenever an article or articles for that purpose have been inserted in the Warrant for such meeting by the Board of Selectmen.

**§ 1-7. Violations and penalties**

Whoever violates any provisions of these bylaws whereby any act or thing is enjoined or prohibited shall, unless other provision is expressly made, forfeit and pay a fine not exceeding \$300.

## **Chapter 7**

### **AGING, COUNCIL ON**

#### **§ 7-1. Establishment; powers and duties**

#### **§ 7-2. Council funds**

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge (Section XII of the 2005 Compiled General Bylaws<sup>1</sup>).]**

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#### **§ 7-1. Establishment; powers and duties**

- A. There is hereby established a Council on Aging consisting of seven (7) citizens of this town, appointed by the Board of Selectmen for terms not to exceed four years for any member. Said terms shall be staggered so that not more than three appointments shall be made in any calendar year. Members can be reappointed for consecutive terms.
- B. The duties of said Council on Aging shall be to:
  - (1) Identify the total needs of the community's elderly population;
  - (2) Educate the community and enlist support and participation of all citizens concerning these needs;
  - (3) Design, promote or implement services to fill these needs, or coordinate present existing services in the community; and
  - (4) Promote and support any other programs which are designed to assist elderly programs in the community.
- C. Said Council on Aging shall cooperate with the Commonwealth of Massachusetts Department of Elder Affairs and shall be cognizant of all state and federal legislation concerning funding, information exchange, and program planning which exists for better community programming for the elderly.
- D. Said Council on Aging shall give an annual report to the Board of Selectmen with a copy of that report directed to the Commonwealth of Massachusetts Department of Elder Affairs.

#### **§ 7-2. Council funds**

- A. The Council on Aging is hereby authorized to accept grants or gifts from the state and federal government, from charitable corporation, from a private corporation, or from an individual. Such funds as may from time to time be received shall be deposited with the Town Treasurer and held as a separate account.
- B. The Council on Aging is further authorized to deposit to said account all sums received in connection with the conduct of programs or activities it is authorized to conduct.
- C. The Council on Aging may, with the approval of the Selectmen, expend funds from the said account for any purpose it is authorized to perform without further appropriation.

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**1. Editor's Note: Prior amendments to this bylaw were adopted as follows: 2-4-1974; 6-24-1974.**



## **Chapter 16**

### **CAPITAL PLANNING**

#### **§ 16-1. Capital Planning Committee**

#### **§ 16-2. Capital Improvement Plan**

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge (May 9, 2006 Annual Town Meeting – Article 20).**

#### **GENERAL REFERENCES**

— See Ch.

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#### **§ 16-1. Capital Planning Committee.**

- A. As authorized under Chapter 81 of the Acts of 2002, the Town of Uxbridge hereby changes the composition of the Capital Planning Committee created thereunder, as follows: The Committee shall consist of an odd number of citizens of Uxbridge, not less than five (5), who shall be voting members, appointed by the Town Manager. The Town Manager and the Town Treasurer shall be participating, but non-voting members. The Town Manager shall establish the terms of all appointments and qualifications of appointees, not to exceed three (3) years. As further authorized under Chapter 81 of the Acts of 2002, the Town may change the composition of this Committee by majority vote at any Annual or Special Town Meeting.
- B. The Capital Planning Committee shall recommend, to the Town, policies relative to the funding of capital projects through appropriations from the Capital Improvement Trust Fund or other funds available to the Town, and shall annually recommend priorities and schedules for such capital projects.

#### **§ 16-2. Capital Improvement Plan.**

- A. The Capital Planning Committee shall make timely reports, at least annually, to the Town Manager. The annual report to the Town Manager shall be at such time as the Town Manager directs, consistent with other reporting requirements established by the Town Charter, and shall include at least:
  - (1) A clear and concise general summary of its contents;
  - (2) A list of all capital improvements and/or purchases proposed to be undertaken during the next ensuing five (5) fiscal years, with supporting information as to the need for each capital improvement and/or capital purchase;
  - (3) Cost estimates, methods of financing and recommended time schedules for each improvement and/or capital purchase;
  - (4) The estimated annual cost of operating and maintaining each facility and piece of major equipment involved in the improvement and/or capital purchase; and
  - (5) Such other information as shall be required by the Town Manager and/or policies set by the Board of Selectmen.
- B. This annual report shall be included in the Annual Report of the Town.

- C. The Town Manager shall annually, on or before January 30, submit to the Board of Selectmen and the Finance Committee an updated capital improvement program based on:
- (1) The aforementioned annual report of the Capital Planning Committee; and
  - (2) The status of capital improvements and/or purchases still pending or in process of being acquired, improved or constructed.

## Chapter 18

### UXBRIDGE COMMUNITY GARDEN COMMITTEE

#### § 18-1. Organization

#### § 18-2. Composition and Appointment

#### § 18-3. Duties and Responsibilities

#### § 18-4. Receipt of grants, gifts or donations

#### GENERAL REFERENCES

— See Ch.

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#### § 18-1. Organization

The Uxbridge Community Garden Committee is hereby created pursuant to the Uxbridge Home Rule Charter, Article 5 Section 1.

#### § 18-2. Composition and appointment

The Uxbridge Community Garden Committee shall consist of five (5) members, to be appointed by the Town Manager for a term of office of three (3) years, said terms to be staggered in the Committee's first year to 2 three-year appointments, 2 two-year appointments and 1 one-year appointment.

#### § 18-3. Duties and responsibilities

The Uxbridge Community Garden Committee shall oversee and manage the activities of the Uxbridge Community Gardens.

#### § 18-4. Receipt of grants, gifts or donations

- A. The Uxbridge Community Garden Committee is hereby authorized to accept grants or gifts from the state and federal government, from a charitable corporation, from a private corporation, or from an individual. Such funds as may from time to time be received shall be deposited with the Town Treasurer and held as a separate account.
- B. The Uxbridge Community Garden Committee is further authorized to deposit to said account all sums received in connection with the conduct of programs or activities it is authorized to conduct.
- C. The Uxbridge Community Garden Committee may, with approval through the warrant process, expend funds from said account for any purpose it is authorized to perform without further appropriation.

## Chapter 20

### CONTRACTS AND PROCUREMENTS

#### **§ 20-1. Participation in Town contracts by Town officers**

#### **§ 20-2. Additional compensation of Town officers and employees prohibited**

#### **§ 20-3. Procurement of supplies, services and real property**

#### **§ 20-4. Duration of contracts**

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge (Section VI of the 2005 Compiled General Bylaws<sup>1</sup>).]**

#### GENERAL REFERENCES

— See Ch.

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#### **§ 20-1. Participation in Town contracts by Town officers**

No officer of the Town, either elective or appointive, and no agent of the Town who has been authorized (either acting alone or acting with other officers or agents of the Town) to borrow money, or to make any contract or purchase on behalf of the Town, shall have any pecuniary interest in any such loan, contract or purchase.

#### **§ 20-2. Additional compensation of Town officers and employees prohibited**

No Town officer, either elective or appointive, and no salaried employee of the Town, and no agent of any such officer or such employee, shall when acting in his/her official capacity, sell materials or supplies to the Town, nor receive any compensation or commission for services rendered by him/her for the Town, except his/her official salary and such fees as are allowed by law, without first obtaining in each of the above cases the permission of the Board of Selectmen expressed in a vote which shall appear in their records with the reason therefor, unless by competitive bid.

#### **§ 20-3. Procurement of supplies, services and real property**

All procurement of supplies, services and real property shall be in accordance with the provisions of MGL c. 30B.

#### **§ 20-4. Duration of contracts**

No board, officer, committee or department shall make any contract on behalf of the Town, the execution of which shall necessarily extend beyond three years from the date thereof, except as otherwise provided by law, unless specific authority to do so has been given by the vote of the Town, at the Annual Town Meeting, and no contract made or entered into by any board, officer, committee or department of the Town, on behalf of the Town, shall ever contain an option for renewal or an automatic renewal clause.

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1. Editor's Note: Prior amendments to this bylaw were adopted 11-27-1990.

## Chapter 35

### FINANCE COMMITTEE

#### **§ 35-1. Membership, number and form**

#### **§ 35-2. Terms and methods of selection**

#### **§ 35-3. Vacancies**

#### **§ 35-4. Duty to study warrants and to act thereon**

#### **§ 35-5. Study of and recommendations for expenditures**

#### **§ 35-6. Accessibility to municipal records and accounts**

#### **§ 35-7. Written annual report**

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge (Section IV of the 2005 Compiled General Bylaws<sup>1</sup>)**

#### GENERAL REFERENCES

— See Ch.

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#### **§ 35-1. Membership, number and form**

In accordance with the Charter, Article 2, Section 3, there shall be a Finance Committee consisting of seven registered voters of the Town who shall not also be elected or appointed officers of the Town, of which four members shall be appointed by the Moderator and three members shall be elected by the voters.

#### **§ 35-2. Terms and methods of selection**

At the conclusion of each Spring session of the Annual Town Meeting, the Moderator shall appoint for a three-year term, in successive years, one member in each of years one and two, and two members in year three. In each succeeding year, one member shall be elected for a three-year term.

#### **§ 35-3. Vacancies**

If any appointed member is absent from five consecutive meetings of the Finance Committee, except in case of illness, his or her position may be deemed by the Moderator to be vacant. The Moderator shall fill any vacancy which may occur in the Committee's appointed membership and shall inform the Town Clerk of the appointment. The term of office of any person appointed by the Moderator to a vacancy on the Finance Committee shall be the balance of the unexpired to which he or she is appointed. A vacancy in an elected position shall be filled as set forth in the Uxbridge Charter, Article 3, Section 1.G.1.

#### **§ 35-4. Duty to study warrants and to act thereon**

All articles in any Warrant for every Town Meeting shall be referred to the Finance Committee for its consideration. The Selectmen, after drawing any such Warrant, shall transmit a copy by e-mail to the Committee Chairman and other Committee members, and by registered mail or by delivery in hand to each member of the Finance Committee. The Finance Committee shall then hold a public hearing at least 14 days before such Town Meeting, upon all Articles, and a notice of such public hearing shall be given by posting a copy thereof at the Town Hall and at all post offices in the Town of Uxbridge and by advertising in a newspaper having circulation in the Town. After due consideration of the subject matter of the Articles in any Warrant, the Finance

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**1. Editor's Note: Prior amendments to this bylaw were adopted as follows: 8-14-1972; 5-11-1982; 5-10-1988.**

Committee shall make a written publicized report thereon at least five days prior to any Town Meeting, and shall also make such recommendations to every Town Meeting as it deems best to serve the interests of the Town.

**§ 35-5. Study of and recommendations for expenditures**

It shall be the duty of the Finance Committee to annually consider the annual expenditures of all of the various municipal boards, officers, committees, commissions and departments in the previous and present year, and the estimated requirements of the ensuing year; requirements prepared by the Town Manager and his/her staff in a document having such form and detail as may be prescribed by the Finance Committee for its due and serious consideration. The Finance Committee shall then add to said document its "recommendations," giving the amounts which, in its opinion, are expedient and proper, together with its reasons therefor.

**§ 35-6. Accessibility to municipal records and accounts**

In performing its duties, the Finance Committee shall have free access to all books of records and accounts, bills and vouchers on which money has been or may be paid from the Town treasury. All officers, boards, committees and departments of the Town shall, upon request, furnish the Finance Committee with facts, figures and any other information pertaining to the efficient fulfillment of its duties.

**§ 35-7. Written annual report**

The Finance Committee shall make an annual written report of all of its activities with recommendations relative to financial matters and to the conduct of the Town's business and the aforesaid written report of the Finance Committee shall be printed in the Annual Town Report.

## Chapter 59

### LEGAL AFFAIRS

#### **§ 59-1. Duties of Selectmen**

#### **§ 59-2. Power of Selectmen in certain cases**

#### **§ 59-3. Annual report of Selectmen**

#### **§ 59-4. Appointment of Town Counsel**

#### **§ 59-5. Duties of Town Counsel**

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge (Section VII of the 2005 Compiled General Bylaws).]**

### GENERAL REFERENCES

— See Ch.

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#### **§ 59-1. Duties of Selectmen**

The Selectmen shall be agents of the Town, to institute, prosecute, and to defend any and all claims, actions, and proceedings to which the Town is a party or in which the interests of the Town are or may be involved.

#### **§ 59-2. Power of Selectmen in certain cases**

The Selectmen may, at their discretion, compromise or settle any claim or suit to which the Town is a party, which does not require the payment by the Town of an amount in excess of \$500. However, no settlement of a claim or lawsuit obligating the Town in an amount in excess of \$500 shall be made, except as otherwise authorized by law, without the consent of the Town Meeting.

#### **§ 59-3. Annual report of Selectmen**

The Selectmen in their annual report shall state what actions have been brought against and on behalf of the Town, what cases have been compromised or settled, and the current standing of all lawsuits involving the Town or any of its interests.

#### **§ 59-4. Appointment of Town Counsel**

The Selectmen shall annually, within 30 days after the final adjournment of the spring session of the Annual Town Meeting, appoint a member of the Bar who is in good standing to serve as Town Counsel for not less than one year until a successor is appointed and enters upon the performance of its duties. The Selectmen shall likewise fill any vacancy in said office for the unexpired term and may employ special counsel to assist the said Town Counsel whenever, in their judgment, necessity thereof arises.

#### **§ 59-5. Duties of Town Counsel**

It shall be the duty of the Town Counsel to conduct the prosecution, defense, or compromise of claims, actions or proceedings to which the Town is a party, and the prosecution or actions or proceedings by or on behalf of any Town officer, board, or committee as such; to conduct the defense of any action or proceedings brought against any Town officer, board or committee as such, whenever the Selectmen, having determined that any rights or interests of the Town are or may be involved therein, shall so request; to conduct proceedings brought by or against the Assessor before the Appellate Tax Board; to assist in the prosecution of complaints for the

violation of any bylaw of the Town when requested to do so; to examine and to report upon all titles to all land to be acquired by the Town; to prepare or approve contracts, bonds, deeds and all other legal instruments to which the Town is involved; to appear at any or all hearings on behalf of the Town whenever his/her services may be required; and generally to advise and set for the Town officers, boards and committees upon any legal matters involving the duties of their respective offices.



## Chapter 72

### OFFICERS AND EMPLOYEES

#### ARTICLE I Powers and Duties of Officers

##### § 72-1. Powers of Selectmen

##### § 72-2. Duty of Town Clerk to notify all elected and appointed officers

##### § 72-3. Resignation of elected and appointed officers

#### ARTICLE II Distribution of Fees

##### § 72-4. Payment into Town treasury

#### ARTICLE III Bills and Receipts

##### § 72-5. Submission and collection of bills

##### § 72-6. Uncollected accounts

##### § 72-7. Submission of receipts

#### ARTICLE III Bills and Receipts

##### § 72-8. Duty of Selectmen

[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge as indicated in article histories.<sup>1]</sup>

#### GENERAL REFERENCES

— See Ch.

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#### ARTICLE I Powers and Duties of Officers

[Adopted (Section III, Subsections A, D and E, of the 2005 Compiled General Bylaws)]

##### § 72-1. Powers of Selectmen

The selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise specifically provided for by law, by Charter, or by these bylaws.<sup>2</sup>

##### § 72-2. Duty of Town Clerk to notify all elected and appointed officers

It shall be the duty of the Town Clerk immediately after each Town Meeting to notify in writing all members of committees who may be elected or appointed at such meetings stating the business upon which they are to act and the names of the persons composing the committees and also all officers, boards, and committees of all votes of such a meeting which affect the powers and duties of their offices in any way.

##### § 72-3. Resignation of elected and appointed officers

All resignations of elected and appointed Town officers shall be sent to the Town Clerk who shall notify the Selectmen forthwith of such resignation.

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1. Editor's Note: The office of the Auditor was abolished in accordance with Chapter 41 of the Massachusetts General Laws on 11-27-1990
  2. Editor's Note: Original Subsection B, ISSUANCE OF LICENSES AND PERMITS BY THE SELECTMEN, which followed this section, was repealed 11-8-1976.

ARTICLE II  
**Distribution of Fees**

**[Adopted 5-10-1994 (Section III, Subsection F, of the 2005 Compiled General Bylaws)]**

**§ 72-4. Payment into Town treasury**

All Town officers and employees shall pay into the Town treasury all fees received by them by virtue of the office.

ARTICLE III  
**Bills and Receipts**

**[Adopted (Section V, Subsections A, B and C, of the 2005 Compiled General Bylaws)]**

**§ 72-5. Submission and collection of bills**

Each officer, board, committee or department authorized to spend money shall, within 14 days from the receipt of bills, transmit to the Town Accountant all unpaid bills.

**§ 72-6. Uncollected accounts**

If it shall seem advisable to the Town Collector that a lawsuit should be instituted on behalf of the Town for the establishment of collection of any account due to the Town, the Collector shall so notify the Selectmen and the Collector shall also report to them from time to time, as they may direct, upon all uncollected accounts. The Selectmen shall take such action as they deem expedient and consistent with the best interest of the Town acting in compliance with Chapter 59, Legal Affairs.

**§ 72-7. Submission of receipts**

Every officer, board, committee or department shall pay unto the Treasurer of the Town, not later than 10 days from the receipt thereof, all amounts received by him/her or them on behalf of the Town, except as otherwise provided by law, and shall also make a true return thereof to the Town Accountant stating the accounts upon which such amounts were received. The Town Treasurer shall deposit all income not later than 10 days subsequent to its receipt.

ARTICLE IV  
**Custody of Documents**

**[Adopted (Section V, Subsection D, of the 2005 Compiled General Bylaws)]**

**§ 72-8. Duty of Selectmen**

Except as otherwise provided by law, the Selectmen shall have custody of all bonds, deeds, contracts, insurance policies, and other similar documents owned by the Town.

## **Chapter 87**

### **PROPERTY, TOWN**

#### **ARTICLE I**

##### **Disposal**

##### **§ 87-1. Compliance with statute**

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge as indicated in article histories.]**

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#### **ARTICLE I**

##### **Disposal**

**[Adopted (Section III, Subsection C, of the 2005 Compiled General Bylaws<sup>1</sup>)]**

##### **§ 87-1. Compliance with statute**

The disposal of Town property, whether real or personal property, shall be in accordance with the provisions of MGL c. 30B.

## **Chapter 93**

### **PUBLIC WORKS, DEPARTMENT OF**

#### **§ 93-1. Establishment**

#### **§ 93-3. Superintendent**

#### **§ 93-2. Powers and duties**

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge (Section XIV of the 2005 Compiled General Bylaws<sup>1</sup>).]**

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#### **§ 93-1. Establishment**

There is hereby established in the Town of Uxbridge a Department of Public Works, hereinafter called the "Department."

#### **§ 93-2. Powers and duties**

The Department consists of three divisions, Highway, Water and Wastewater, and is responsible for all highway construction and maintenance projects, including snow and ice operations, maintenance of the commons, parks, playgrounds and recreation fields, related school ground maintenance, water and wastewater facility operations and infrastructure maintenance, as well as landfill monitoring and maintenance, and such related activities as are assigned by the Town Manager or by vote of Town Meeting.

#### **§ 93-3. Superintendent**

- A. Said Department shall be under the supervision and control of a Superintendent who shall be a person qualified by education, training and experience and who shall be responsible for the operational and administrative functions of the Department in accordance with a job description developed by the Town Manager.
- B. The salary of said superintendent and the term of office shall be determined by the Town Manager, subject to appropriation by the Town Meeting.
- C. Said Superintendent shall hold office subject to the will of said Town Manager, and shall not be subject to the civil service law. During tenure the Superintendent shall hold no elective office nor be engaged in any other business or occupation. Any vacancy in such office shall be filled by appointment of said Town Manager for the remainder of the unexpired term.

## **Chapter 108**

### **RECORDS AND REPORTS**

#### **§ 108-1. Keeping of records**

#### **§ 108-3. Publication of certain items**

#### **§ 108-2. Annual publicized reports**

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge (Section IX of the 2005 Compiled General Bylaws).]**

#### **GENERAL REFERENCES**

— See Ch.

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#### **§ 108-1. Keeping of records**

All officers, boards and committees of the Town shall cause records of their doings and accounts to be kept in suitable form. Said records shall be kept in their respective places in the Town Office, shall not be removed therefrom, and are considered to be Town property, under the supervision of the Town Clerk. All officers, boards and committees without space in the Town Office shall file copies of approved agendas, minutes, correspondence, and documents with the Town Clerk's office. Town records shall, unless otherwise provided for by law, be open for public inspection under the supervision of the Town Clerk or his/her designee.

#### **§ 108-2. Annual publicized report**

All officers, boards, standing committees and special committees of the Town, having charge of the expenditure of Town money, shall annually report thereon in writing in such a manner as to give the citizens of the Town a fair and full understanding of the subjects and methods of such expenditures, referring, however, to the report of the Town Accountant for statements in detail of receipts and payments, and may make therein such recommendations as they deem proper. Such reports shall be submitted to the Selectmen for inclusion in the Annual Town Report as directed by the Board of Selectmen.

#### **§ 108-3. Publication of certain items**

The Selectmen, or the Town Meeting, shall direct that the bylaws and standing votes of the Town, and the rules and regulations adopted by any officer, board or committee shall be printed either separately or as a part of the Annual Town Report.

## Chapter 114

### RECREATION COMMISSION

#### **§ 114-1. Authority to accept grants and gifts**

#### **§ 114-2. Deposit of sums from programs and activities.**

#### **§ 114-3. Expenditure of funds**

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge (Section XIII of the 2005 Compiled General Bylaws<sup>1</sup>).]**

#### GENERAL REFERENCES

— See Ch.

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#### **§ 114-1. Authority to accept grants and gifts**

The Recreation Commission, consisting of seven people appointed by the Board of Selectmen, is hereby authorized to accept grants or gifts from the Federal Government, from a charitable corporation, from a private corporation or from an individual. Such funds as may from time to time be received shall be deposited with the Town Treasurer and held as a separate account.

#### **§ 114-2. Deposit of sums from programs and activities**

The Recreation Commission is further authorized to deposit to said account all sums received in connection with the conduct of programs or activities it is authorized to conduct.

#### **§ 114-3. Expenditure of funds**

The Recreation Commission may, with the approval of the Selectmen, expend funds from the said account for any recreational purposes it is authorized to perform without further appropriations.

## Chapter 120

### POUT POND RECREATION COMMITTEE

#### **§ 120-1. Organization**

#### **§ 120-2. Composition and Appointment**

#### **§ 120-3. Duties and Responsibilities**

#### **§ 120-4. Authority to accept grants, gifts or donations**

#### **§ 120-5. Deposit of sums from programs and activities**

#### **§ 120-6. Financial procedures**

#### **§ 120-7. Expenditure of funds**

#### **§ 120-8. Recreation Rules**

#### **§ 120-9 Compliance with Open Meeting Law**

#### **§ 120-10. Criminal Offender Records Inquiry (CORI)**

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#### **§ 120-1. Organization**

The Pout Pond Recreation Committee is hereby created pursuant to the Uxbridge Home Rule Charter, Article 5 Section 1.

#### **§ 120-2. Composition and appointment**

The Pout Pond Recreation Committee shall consist of five (5) members, to be appointed by the Town Manager for a term of office of three (3) years, said terms to be staggered in the Committee's first year to 2 three-year appointments, 2 two-year appointments, and 1 one-year appointment.

#### **§ 120-3. Duties and Responsibilities**

The Pout Pond Recreation Committee shall oversee and manage all active and passive recreation at Pout Pond in full compliance with Massachusetts General Laws, the Wetlands Protection Act, and Conservation Land Laws and Regulations. The Conservation Commission shall approve and authorize all such activities.

#### **§ 120-4. Authority to accept grants and gifts**

The Pout Pond Recreation Committee is hereby authorized to accept grants or gifts from the state and federal government, from a charitable corporation, a private corporation, or from an individual. Such funds as may be received shall be deposited with the Town Treasurer and held as a special account.

#### **§ 120-5. Deposit of sums from programs and activities**

The Pout Pond Recreation Committee is further to deposit all sums received in connection with the conduct of programs and/or activities that it is authorized to conduct.

#### **§ 120-6. Financial procedures**

The Pout Pond Recreation Committee shall account for all program-related revenues in accordance with procedures set by the Town Manager or his/her designee.

#### **§ 120-7. Expenditure of funds**

The Pout Pond Recreation Committee may, with the approval of the Town Manager, expend funds from said account for any purpose that it is authorized to perform without further appropriation; said expenditures to be in compliance with all Massachusetts procurement laws and regulations.

**§ 120-8. Recreation Rules**

The Pout Pond Recreation Committee shall promulgate recreation rules to promote the health and safety of all visitors to Pout Pond.

**§ 120-9. Compliance with Open Meeting Law**

In compliance with the Open Meeting Law, meetings of the Pout Pond Recreation Committee shall take place in a public place and shall be posted with the Town Clerk at least 48 hours in advance. Approved minutes of those meetings shall be filed with the Town Clerk in a timely manner.

**§ 120-10. Criminal Offender Records Inquiry (CORI)**

All individuals seeking membership to the Pout Pond Recreation Committee shall be required to submit a signed CORI request form.



## Chapter 122

### DOG PARK COMMITTEE

#### **§ 122-1. Organization**

#### **§ 122-2. Composition and Appointment**

#### **§ 122-3. Duties and Responsibilities**

#### **§ 122-4. Authority to accept grants, gifts or donations**

#### **§ 122-5. Deposit of sums from programs and activities**

#### **§ 122-6. Financial procedures**

#### **§ 122-7. Expenditure of funds**

#### **§ 122-8. Park rules**

#### **§ 122-9. Compliance with Open Meeting Law**

#### **§ 122-10. Criminal Offender Records Inquiry**

#### **§ 122-11. Violations and fees**

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#### **§ 122-1. Organization**

The Dog Park Committee is hereby created pursuant to the Uxbridge Home Rule Charter, Article 5 Section 1.

#### **§ 122-2. Composition and appointment**

The Dog Park Committee shall consist of five (5) members, to be appointed by the Town Manager for a term of office of three (3) years, said terms to be staggered in the Committee's first year to 2 three-year appointments, 2 two-year appointments and 1 one-year appointment.

#### **§ 122-3. Duties and responsibilities**

The Dog Park Committee shall oversee and manage the activities of the Town owned dog parks within the Town of Uxbridge in compliance with Massachusetts General Laws. Said Committee will also be authorized to, with the approval of the Board of Selectmen, design, plan, promote, acquire and/or designate Town owned land for the construction of such facilities.

#### **§ 122-4. Authority to accept grants, gifts or donations**

The Dog Park Committee is hereby authorized to accept grants or gifts from the state and federal government, from a charitable corporation, from a private corporation, or from an individual. Such funds as may be received shall be deposited with the Town Treasurer and held as a separate account.

#### **§ 122-5. Deposit of sums from programs and activities**

The Dog Park Committee is further authorized to deposit to said account all sums received in connection with the conduct of programs or activities it is authorized to conduct.

#### **§ 122-6. Financial procedures**

The Dog Park Committee shall account for all program-related revenues in accordance with procedures set by the Town Manager or his/her designee

**§ 122-7. Expenditure of funds**

The Dog Park Committee may, with approval through the warrant process, expend funds from said account for any purpose it is authorized to perform without further appropriation; said expenditures to be in compliance with all Massachusetts procurement laws and regulations.

**§ 122-8. Dog Park Rules**

The Dog Park Committee shall promulgate park rules to promote the health and safety of all visitors to the Uxbridge Dog Park.

**§ 122-9. Compliance with Open Meeting Law**

In compliance with the Open Meeting Law, meetings of the Dog Park Committee shall take place in a public place and shall be posted with the Town Clerk at least 48 hours in advance. Approved minutes of those meetings shall be filed with the Town Clerk in a timely manner.

**§ 122-10. Criminal Offender Records Inquiry (CORI)**

All individuals seeking membership to the Dog Park Committee shall be required to submit a signed CORI request form.

**§ 122-11. Licenses and fees**

The Dog Park Committee will require an annual usage license fee, which will be issued by the Town of Uxbridge. Fees collected from this licensing procedure will be placed into the dog park revolving fund as set by the Town.

Violations of established Dog Park rules and regulations will be enforced by a fee schedule as approved by the Board of Selectmen. Violation Fees will be placed into the dog park revolving account;

## Chapter 125

### TOWN MEETINGS

- |  |  |
|--|--|
| § 125-1. Date of Annual Town Meetings for elections of officers. | § 125-11. Motions in writing                                     |
| § 125-2. Date of adjourned Annual Town Meetings.                 | § 125-12. Division of question                                   |
| § 125-3. Hours during which polls to remain open                 | § 125-13. Priority of motions                                    |
| § 125-4. Notice of all Town Meetings                             | § 125-14. Manner of voting                                       |
| § 125-5. Quorum of voters required.                              | § 125-15. Limit of debate  |
| § 125-6. Distribution of warrants                                | § 125-16. Reconsideration  |
| § 125-7. Regulation of participation                             | § 125-17. Committee reports                                      |
| § 125-8. Moderator   | § 125-18. Completion of business                                 |
| § 125-9. Town Meeting procedure                                  | § 125-19. Vote necessary to appropriate in Special Town Meetings |
| § 125-10. Order of action on Articles                            | § 125-20. Declaration of two-thirds vote by Moderator            |

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge (Section II of the 2005 Compiled General Bylaws<sup>1</sup>).]**

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#### **§ 125-1. Date of Annual Town Meetings for election of officers**

The annual Town election for the election of Town officers and for the determination of all other matter to be referred to the voters shall be held on the fourth Tuesday in May.

#### **§ 125-2. Date of adjourned Annual Town Meetings**

The spring session of the Annual Town Meeting shall be held at 7:00 p.m. on the second Tuesday in May. The fall session of the Annual Town Meeting shall be held at 7:00 p.m. on the fourth Tuesday of October.

#### **§ 125-3. Hours during which polls to remain open**

The polls shall be opened at 7:00 a.m. and shall remain open until 8:00 p.m.

#### **§ 125-4. Notice of all Town Meetings**

Notice of every Town Meeting shall be given by posting attested copies of the Warrant therefor at the Town Hall, DPW Administration Building, on the Town website, and all post offices in the Town of Uxbridge, which posting shall be no less than seven days before the day fixed for said meeting, and further notice shall be given in such manner as the Selectmen may determine.

#### **§ 125-5. Quorum of voters required.**

The number of voters necessary to constitute a quorum at any Town Meeting shall be 50 voters, provided however that a number less than a quorum may from time to time adjourn the same. This section shall not apply to parts of meetings which are devoted exclusively to the election of Town officers.

#### **§ 125-6. Distribution of warrants**

Copies of the Warrant for all Town Meetings shall be made available to the voters at all Town Meetings.

#### **§ 125-7. Regulation of participation**

The Moderator shall appoint an adequate number of tellers who by use of the voting list shall permit only registered voters to actively participate in any Town Meeting.

#### **§ 125-8. Moderator**

The Moderator shall preside over all Town Meetings, regulate the proceedings thereof, decide all questions of order and make public declaration of all votes.

#### **§ 125-9. Town Meeting procedure**

In all matters not otherwise specifically provided herein, Town Meeting procedure shall be determined by reference to Town Meeting Time, current edition.

#### **§ 125-10. Order of action on Articles**

The Articles of the Warrant shall be acted upon in the order in which they appear unless otherwise determined by the vote of the meeting.

#### **§ 125-11. Motions in writing**

All main motions and all motions having to do with the expenditure of money shall be presented to the Moderator in writing. All other motions shall be in writing if so directed by the Moderator.

#### **§ 125-12. Division of question**

If a motion is susceptible of division it shall be divided and the question shall be put separately upon each part thereof, if 10 voters so request.

#### **§ 125-13. Priority of motions**

When a question is before the meeting, the following motions, namely: 1) To adjourn; 2) To lay on the table; 3) The previous question; 4) To postpone to a time certain; to commit; recommit or to refer; 5) To amend; 6) To postpone indefinitely; shall be received, and shall have precedence in the foregoing order, and the first three motions shall be decided without debate. On proposed amendments involving sums of money, the larger or largest amounts shall be put to question first and an affirmative vote thereon shall be a negative vote on any smaller amount.

#### **§ 125-14. Manner of voting**

When a question is put, the sense of the meeting shall be determined, at the Moderator's discretion, by a show of Town Meeting voter cards or the voices of the voters, and the Moderator shall declare the vote as it appears to him/her. If the Moderator is unable to decide the vote by the show of Town Meeting voter cards or the volume of the voices, as appropriate, or, if his/her decision is immediately questioned by seven or more voters rising in their places for that purpose, the Moderator shall determine the vote by ordering a standing vote and he/she shall appoint two tellers to each voter section and they shall agree on the number of yes votes cast and the number of no votes cast in their respective sections before the counts are returned. The Meeting itself may, by majority vote, upon proper motion in due order, require that the vote on any motion shall be taken by a yes and no ballot vote which may be tabulated manually or electronically.

#### **§ 125-15. Limit of debate**

No person shall speak for more than 10 minutes on any question unless his/her time shall be extended by the Moderator.

#### **§ 125-16. Reconsideration**

A motion for reconsideration, once decided, shall not be reconsidered. To pass, a motion to reconsider must receive the same percentage of votes as required to adopt the motion being reconsidered. No motion to adjourn, to lay on the table, or for the previous question shall be reconsidered.

#### **§ 125-17. Committee reports**

All committees shall report as directed by the Town. If no report is made by the committee within a year of its appointment, that committee shall be automatically discharged unless in the meantime, the Town by an express vote thereon shall have granted an extension of time to that committee.

#### **§ 125-18. Completion of business**

No motion, the effect of which would be to dissolve the meeting, shall be in order until every Article in the Warrant therefor has been duly considered and acted upon. This shall not preclude the postponement of consideration of any Article to an adjournment of the meeting to a stated time and place.

#### **§ 125-19. Vote necessary to appropriate in Special Town Meetings**

At all Special Town Meetings a two-thirds vote shall be required to pass any Article involving the raising, appropriating, or the transferring of funds.

#### **§ 125-20. Declaration of two-thirds vote by Moderator**

Notwithstanding the provision of §125-14 of this bylaw and in accordance with the provision of MGL c. 39, §15, when a two-thirds vote is required by statute or bylaw the Moderator may decide not to take a count and declare the vote as two-thirds unless the decision is immediately questioned by seven or more voters rising in their places for that purpose, in which case the provisions of §125-14 shall apply.

## **PART II**

# **GENERAL LEGISLATION**

## **Chapter 140**

### **AMUSEMENT DEVICES**

#### **§ 140-1. Annual fee**

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge as indicated in article histories.]**

#### **GENERAL REFERENCES**

— See Ch.

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#### **ARTICLE I**

##### **License Fee**

**[Adopted 6-21-1982 (Section XXIII of the 2005 Compiled General Bylaws)]**

#### **§ 140-1. Annual fee**

The annual fee for a license for an automatic amusement device required to be licensed by the provisions of MGL c. 140, § 177A, or any renewal thereof, shall be set annually, by the Board of Selectmen. The fee shall in no event exceed \$100.

## Chapter 146

### ANIMAL CONTROL

- |   |   |
|---|---|
| § 146-1. Running at large                         | § 146-8. Impoundment periods;<br>notification                   |
| § 146-2. Dangerous and exotic pets and<br>animals | § 146-9. Redemption   |
| § 146-3. Dog fees                                 | § 146-10. Dogs in heat running at large;<br>penalties           |
| § 146-4. Dog impoundment offenses                 | § 146-11. Impoundment procedures for<br>unlicensed dogs in heat |
| § 146-5. Order to muzzle dogs                     | § 146-12. Definitions   |
| § 146-6. Quarantine of animal after<br>biting     | § 146-13. Severability  |
| § 146-7. Violations and penalties                 |   |

[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge 5-8-1979 (Section XXIV of the 2005 Compiled General Bylaws<sup>1</sup>).]

#### GENERAL REFERENCES

— See Ch.

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#### § 146-1. Running at large

No dog shall be upon the lands or ways of the Town unless such dog is secured by a suitable leash or lead, one end of which shall be secured in a manner as to restrain the animal and the other end of which shall be held by the owner or keeper of such dog, or such person as may be authorized thereby; nor shall any owner or keeper of a dog permit such dog to be upon the land of anyone other than such owner or keeper unless such dog is restrained as hereinbefore described, except by the express permission of the owner or person in possession of such land. Exceptions: Animals, which are classified as hunting or sporting dogs, as well as working dogs, while used in such capacity.

#### § 146-2. Dangerous and exotic pets and animals

Dangerous and/or exotic pets and animals are not to be allowed within the Town limits of Uxbridge unless they are registered with the licensing authority for a fee no less than \$2 and comply with any and all laws rules and regulations of the Commonwealth of Massachusetts pertaining to exotic pets. The classification of such animals includes but is not limited to snakes, spiders, parrots, skunks, and raccoons.

#### § 146-3. Dog fees

- A. All owners shall comply with this subsection within 45 days of acquiring ownership, but not later than March 31<sup>st</sup> of each year. The annual fee for dog licenses shall be \$11 for male and female dogs; \$7 for spayed and neutered dogs; and \$1 for a substitute tag or a transfer of license. Said fees along with all other fees and fines authorized by this section of the Uxbridge General Bylaws and MGL c. 140 shall be deposited into the general fund in accordance with MGL c. 44, §53. No person shall house more than three (3) dogs age six months and over on a single premises without a kennel license.



- B. Housing of four (4) or more dogs requires a kennel license. The fee for kennel licenses shall be \$25 for up to four dogs, \$50 for five to ten dogs, and \$100 for more than ten dogs. It shall be a condition of the issuance of any kennel license that the Animal Control Officer shall be permitted to inspect all animals and the premises where the animals are kept at any time in accordance with MGL c. 140, as amended, relating to dogs.
- C. No person convicted of cruelty to animals shall be issued a license to operate a kennel.
- D. Any person or persons who hold a kennel license shall make available to the Animal Control Officer and the Police Department an emergency number where they can be reached.
- E. All complaints received of a kennel will be handled in accordance with MGL c. 140, §137C, as amended.
- F. All kennel owners will show proof of rabies vaccination at the time of the license issuance for all dogs that currently reside on that property, and all certificates are to be made available at time of any inspection.
- G. Late fee. License fees paid to the Town after March 31st or, if mailed, postmarked after March 26th and arriving late shall be assessed a late fee of \$10 per assigned tag. Dogs obtained after March 1st or less than six months old are exempt from this late fee.
- H. The Board of Selectmen may make regulations relating to the licensing and operation of kennels. <sup>1</sup>

#### **§ 146-4. Dog impoundment offenses**

The Animal Control Officer can impound a dog for the following offenses:

- A. Unlicensed dog;
- B. Found at large in violation of §146-1 of this bylaw relative to leashes;
- C. Injuring or menacing a person;
- D. Injuring a domestic animal or fowl;
- E. Chasing vehicles (autos, motorcycles, trucks);
- F. Chasing bicycles;
- G. Causing any disturbance (barking, howling, disturbing peace, etc.);
- H. Being unmuzzled off the owner or keeper's property while a muzzling order is in effect;
- I. For defecating anywhere but the owner's property; or
- J. For being found at large at any schoolyard and/or recreational area.

#### **§ 146-5. Order to muzzle dog**

- A. The Animal Control Officer can and will order a dog to be muzzled for the following:
  - (1) Biting or menacing a person;

- (2) Injuring a domestic animal or fowl (for which the Animal Control Officer can order the dog destroyed).
- B. Only the Animal Control Officer has the power to remove a muzzle order if he/she so desires. An exception is feeding time.

#### **§ 146-6. Quarantine of animal after biting**

For biting a person, the animal must be quarantined for 10 days, thus allowing time for a rabies test.

#### **§ 146-7. Violations and penalties**

Any owner or keeper of a dog who shall fail to comply with any of the provisions of the laws and bylaws governing dogs shall be fined as follows: \$25 for the first infraction; second violation within six months, \$35; third or more violations within six months of first violation, \$50. Any violation which results in personal injury or property damage in excess of \$25, a \$50 fine. The Town may enforce the provisions of this bylaw or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other legal provision.

#### **§ 146-8. Impoundment periods; notification**

- A. Impounded, unlicensed dogs shall be kept for 10 days. During such time, a description of the animal will be available at the police station or directly with the Animal Control Officer. If the animal is not claimed, it shall be sold to anyone paying the fines and storage of said animal or destroyed in a humane manner.
- B. The owner of an impounded, licensed dog will be notified by phone, mail or in person of the animal's confinement. The animal will be kept until the owner pays all fines, upkeep and storage. If not claimed within 30 days it will be destroyed in a humane manner.

#### **§ 146-9. Redemption**

To obtain the release of an animal, the owner must:

- A. License the animal, if it is not licensed;
- B. Pay all fines; and
- C. Pay all storage and upkeep set by the appropriate storage facility.

#### **§ 146-10. Dogs in heat running at large; penalties**

If found at large, dogs in the estrous cycle (heat) could be impounded. If complaints have been recorded, the Animal Control Officer may require the owner to remove the animal from the area of disturbance. If impounded, the owner shall be notified by phone, mail or in person of the animal's confinement. A \$25 fine shall be levied against the owner or keeper of an unsprayed female dog, in heat, running at large.

#### **§ 146-11. Impoundment procedures for unlicensed dogs in heat**

Impounded, unlicensed dogs in heat shall be kept for 10 days. During such time, a description of the animal will be available at the police station or directly with the Animal Control Officer. If the animal is not claimed, it shall be sold to anyone paying the fines and storage of said animal or destroyed in a humane manner.

#### **§ 146-12. Definitions**

The following words and phrases as used in these bylaws, unless the context requires otherwise, shall have the following meanings:

**HUNTING OR SPORTING DOG** — An animal under the control and direction of its owner or keeper while used in training or actual hunting. It also includes animals used in events or trials participating under sanctioned competition.

**KEEPER** — Person, other than the owner, harboring in his/her possession any animal. The keeper shall be held liable for the action of the animal.

**OWNER** — Shall include corporations, societies, associations and partnerships. Any person who proves ownership of an animal by possession of a current and valid license or other satisfactory proof of ownership.

**WORKING DOG** — Refers to an animal used in the performance of a particular set of tasks. The animal must be engaged in such tasks to be exempt from §146-1. Examples include guard dogs, Seeing Eye dogs, and dogs used to control a farmer's herd or flock.

### **§ 146-13. Severability**

In the event that any provision or section of this bylaw is deemed invalid and unenforceable, all other provisions shall remain in force and in effect.

## Chapter 157

### BUILDINGS, NUMBERING OF

#### § 157-1. House numbering required

#### § 157-3. Placement, size

#### § 157-2. List of numbers

#### § 157-4. Violations and penalties

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge 5-10-1988 (Section XXVI of the 2005 Compiled General Bylaws).]**

#### GENERAL REFERENCES

— See Ch.

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#### § 157-1. House numbering required

All lots, buildings and structures in the Town shall be numbered by the Building Inspector in consultation with the Assessor, and in accordance with the following plan. The Building Inspector shall use the Assessor's Maps, Zoning Map, Town Bylaws and Zoning Bylaw in existence and as amended and such other guides as determined necessary to ascertain and assign said number.

#### § 157-2. List of numbers

The Town Clerk shall keep a chart list showing the proper street number of every lot in the Town which shall be checked by all owners or occupants to ascertain their number, and shall be open to inspection by anyone interested.

#### § 157-3. Placement; size

It shall be the duty of owners and occupants of every house, building or structure in the Town to have placed in a place visible from the street, figures at least 2 1/2 inches high, showing the number thereon.

#### § 157-4. Violations and penalties

Whoever violates any provisions of this bylaw shall be liable to a penalty of \$1 per day for each date during or on which failure to so number continues, commencing 10 days following date of receipt of written notice from the Town Clerk.

## Chapter 172

### ENTERTAINMENT

- |   |  |
|---|--|
| § 172-1. Noise  | § 172-9. Visual displays                       |
| § 172-2. Inspection   | § 172-10. Severability                         |
| § 172-3. Dedicated space required   | § 172-11. Compliance with other laws required. |
| § 172-4. Type and hours of entertainment subject to change                | § 172-12. Display of license                   |
| § 172-5. Lighting requirements  | § 172-13. Separation of entertainment area     |
| § 172-6. Alcoholic beverages  | § 172-14. Suspension or revocation of license  |
| § 172-7. Change of terms and conditions                                   |  |
| § 172-8. Attire and conduct of employees, entertainers, and other persons |  |

[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge (Section XVI of the 2005 Compiled General Bylaws<sup>1</sup>).]

#### GENERAL REFERENCES

— See Ch.

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#### § 172-1. Noise

All entertainment shall be conducted that no unreasonable or unnecessary noise shall be audible upon the sidewalk adjoining the licensed premises or upon any abutting premises. All amplifiers shall face the licensed premises and not the street.

#### § 172-2. Inspection

All the licensed premises shall be subject to inspection by the police of the Town of Uxbridge and duly authorized agents of the Licensing Authority.

#### § 172-3. Dedicated space required

All entertainment and/or dancing must be confined to some space provided for the purpose.

#### § 172-4. Type and hours of entertainment subject to change

The type and hours of entertainment shall be subject to change by the Licensing Board at any time.

#### § 172-5. Lighting requirements

At all times the entire licensed premises must be illuminated to the degree of not less than one foot-candle (measured 30 inches from the floor) except those portions of the room under furniture.

#### § 172-6. Alcoholic beverages

No employee and/or entertainer shall solicit, induce or request a patron to purchase any alcoholic or nonalcoholic beverage for them or any other person. Nothing shall prohibit the above activity in

connection with any contract which such person may have with a patron to whom they are related by blood or marriage.

#### **§ 172-7. Change of terms and conditions**

The Licensing Board shall have the right to change or add to the foregoing terms and conditions after notice to the licensee.

#### **§ 172-8. Attire and conduct of employees, entertainers and other persons**

- A. It is forbidden to employ or permit any person in or on the licensed premises while such person is unclothed or in such attire as to expose to view any portion of the areola or the female breast or any portion of the pubic hair, cleft of the buttocks or genitals.
- B. Mingling is forbidden except by owners and managers in the performance of their duties and waitresses and waiters involved in the services of food and beverages.
- C. It is forbidden to employ or permit any person in or on the licensed premises to perform any acts, or to simulate an act or acts of:
  - (1) Sexual intercourse, masturbation, sodomy, flagellation or any acts prohibited by law; or
  - (2) Touching, caressing, or fondling of the breasts, buttocks or genitals of another.

#### **§ 172-9. Visual displays**

It is forbidden to employ or permit any person in or on the licensed premises to show motion-picture films, television-type cassettes, still pictures or other photographic reproductions depicting any of the acts or any simulation of any of the acts prohibited in §172-8 of this chapter.

#### **§ 172-10. Severability**

If any of the provisions of these rules and regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of such rules and regulations, or the application of such other provisions which can be given effect without the invalid provision or application thereof and for this purpose the provisions of these rules and regulations are severable.

#### **§ 172-11. Compliance with other laws required**

Notwithstanding any of the foregoing rules and regulations, no person duly licensed by the Licensing Authority of the Town of Uxbridge under MGL c. 138, §1, 12 or 23, shall employ, use the services of or permit upon his/her licensed premises any employee, entertainer or other person who by his or her attire or conduct violates any General Laws, Special Act or bylaw of the Town of Uxbridge.

#### **§ 172-12. Display of licenses**

All licenses shall be kept in an accessible place on the premises, available at all times to the proper authorities.

#### **§ 172-13. Separation of entertainment area**

All areas where dancers or other entertainers perform shall be separated by a walkway of at least two feet in width between any stage or platform and areas where drinks are served and consumed.

#### **§ 172-14. Suspension or revocation of license**

Every license is subject to suspension, revocation, or forfeiture for breach of any of its conditions or regulations of which the licensee has notice or any law of the Commonwealth.

## Chapter 181

### EXCAVATIONS

#### ARTICLE I

##### Earth Removal

- § 181-1. Purpose.
- § 181-2. Permit required.  
penalties
- § 181-3. Application for permit.
- § 181-4. Procedure for issuing permit.
- § 181-5. Conditions of permit.
- § 181-6. Duration of permit.
- § 181-7. Annual reports and inspections.
- § 181-8. Permit fees.
- § 181-9. Violations and penalties.

#### ARTICLE II

##### Barriers

- § 181-10. Safety measures required.
- § 181-11. Barriers - violations and

#### ARTICLE III

##### Procedure

- § 181-12. Compliance
- § 181-13. Written Permit

### GENERAL REFERENCES

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#### ARTICLE I

##### Earth Removal

##### **181-1. Purpose.**

The primary intent of this regulation is to establish guidelines and regulate the excavation of earth removal in the Town of Uxbridge.

##### **181-2. Permit required.**

The removal of soil, loam, sand, or gravel from any parcel of land in the Town of Uxbridge is prohibited unless a written permit therefor is obtained from the Planning Board as herein provided; except however, that no permit shall be necessary when soil, loam, sand, fill, or gravel must be removed to:

- A. Construct a single or multi-family building being built in accordance with a permit issued by the proper Town Authority. This will be exempt from a permit for up to 1,500 yards of material removed.
- B. Construct a commercial building or facility that has met Planning Board and town approvals for a permit. Removal and/or hauling of material is permitted up to the amounts necessary to complete project according to approved plans. Additional removal beyond the scope of construction of over 3,000 yards shall require a Gravel Removal Permit.

- C. Construct a public or private way within the town that has met all town approvals, and after the developer has put a covenant in place and recorded said covenant along with the conditions of approval by the Planning Board. Additional removal of the material beyond the scope of construction of over 3,000 yards shall need a Gravel Removal Permit.
- D. Operate a licensed landscape/materials facility to sell/remove materials produced offsite and hauled into said facility.
- E. Removal of soils/materials is not considered part of a normal operation of a farm or garden and is not exempt from this Bylaw.

**§ 181-3. Application for permit.**

- A. Any person wishing to obtain a permit to remove soil, loam, sand, or gravel from any parcel of land within the Town shall file a written application with the Planning Board, which shall include the following information and documentation:
  - 1) The legal name and address of the applicant. The name, address and phone number of the individual overseeing the gravel operation.
  - 2) The location of the proposed excavation.
  - 3) The legal name and address of the owner of the property to be excavated.
  - 4) A list of abutters, and abutters to abutters, within 300 feet of the location of the proposed excavation, as appearing in the records maintained by the Assessor's Office of the Town.
  - 5) A site plan of the land prepared by a registered land surveyor or registered professional engineer showing the existing contours and topography of the entire site of the proposed excavation and all abutting land within 100 feet of the proposed excavation. The site plan shall locate monuments sufficient to delineate the perimeter of the site at intervals of not less than 500 feet.
  - 6) A plan of the land showing the proposed contours and topography of the site when the proposed excavation is completed, showing a typical cross-section of the proposed final cover as well as any drainage or other structures that may be necessary.
  - 7) A proposal concerning the provisions of security for the final completion of the excavation project in accordance with plans submitted and any additional conditions that may be attached to the permit.
  - 8) The Planning Board shall submit application materials to the Building Inspector/Zoning Enforcement Officer for review, approval and comments if a residential use shall occur.
- B. The Planning Board may, by regulation, prescribe forms for initial applications, extensions, and renewals, and such forms may require additional information as the Board shall determine to be necessary.



#### **§ 181-4. Procedure for issuing permit.**

- A. Prior to issuing any permit hereunder, the Planning Board shall hold a public hearing, notice of which shall be given by publication in a newspaper having general circulation within the Town and copies of which are mailed to each of the abutters shown on the list submitted with the application, at least seven days prior to the hearing.
- B. Prior to such hearing the Planning Board shall also send notice of the application to the Board of Health, Conservation Commission, and Planning Board and request such comment or advice as said Boards or Commission may deem appropriate.
- C. If, after hearing, the Planning Board determines that the permit application conforms to the requirements of § 181-2 hereof, and that the permitted operation would conform with the requirements of public health and welfare and be consistent with the sound development of the Town, the Planning Board may issue such permit upon the terms specified in this bylaw and subject to such additional conditions the Planning Board may determine to be necessary.

#### **§ 181-5. Conditions of permit.**

Every permit issued shall be subject to the following conditions:

- A. The portions of the permitted premises which have been excavated shall be graded and leveled to conform to the approved final contour plan at least annually.
- B. After final grading and leveling and not later than October 15 of each year, the excavated portion shall be covered with not less than four inches of suitable topsoil, and shall be seeded and planted with suitable ground cover within 200 feet of current excavation operations. All final contour slopes will conform to a 2 to 1 maximum. That is for every two (2) feet of horizontal travel only a one (1) foot drop maximum is allowed.
- C. No excavation shall be undertaken within 100 feet of a public or private way or within 150 feet of a building or structure, unless the Planning Board specifically finds that such excavation will not undermine the way or structure or otherwise be seriously detrimental to the neighborhood and such finding is endorsed on the permit.
- D. No swamp, pond, watercourse, or other wetland will be altered or polluted in any way without all necessary permits and no watercourses, drains, swales, culverts or other water channeling contours or structures shall be constructed unless shown on the plan submitted and approved.
- E. No excavation will begin until security by surety bond, cash, or other approved method is provided to insure that the excavation will be carried out in accordance with the permit and that the final grades and cover are provided. Such security shall not be less than \$2,000 for each acre of the proposed site. The security shall be released when suitable vegetation has been reestablished on the portion of the site for which it was provided.

### **§ 181-6. Duration of permit.**

Every permit granted under this bylaw shall be valid for a period not to exceed one year. Any permit issued may be renewed by the Planning Board, without hearing, if the proposed excavation will be conducted in accordance with a plan previously approved and if the annual report required by § 181-7 has been filed. Any expansion or extension of a permitted excavation will also be subject to a public hearing.

### **§ 181-7. Annual reports and inspection.**

- A. One month prior to permit expiration, the permitted operator of an excavation shall submit a report showing the following information for the preceding permitted period of operation:
  - 1) The amount of material removed.
  - 2) The type of material removed.
  - 3) The area (square feet or acres) excavated and the area regraded, covered, and seeded.
- B. Every permitted excavation shall be open for inspection by the proper local officials and the Town's Engineer at all reasonable times. Every November the Town Engineer, at the applicant's expense, will do an annual site visit to verify that proper restoration has been completed according to the submitted plan and report findings to the Planning Board.

### **§ 181-8. Permit fees.**

The Board of Selectmen thereto shall set all application and renewal fees. The applicant is responsible for peer review fees for new applications, annual renewal of applications, inspections, plan review and site visits for the Town's Engineer as deemed necessary.

### **§ 181-9. Violations and penalties.**

Each day of excavation without the permit required, or otherwise, in violation of this bylaw shall constitute a separate offense and shall be individually punishable by the fine provided in MGL c. 40 §21, Clause (17).

## **ARTICLE II**

### **Barriers**

### **§ 181-10. Safety measures required.**

Every person excavating land, in charge of such excavation, or owning land which has been excavated shall erect barriers or take other suitable measures to protect the public within two days after having been notified in writing by the Planning Board or the Building Inspector that in their opinion such excavation constitutes a hazard to public safety. Policing Authority shall reside with the Planning Board following consultation with the Building Inspector/Zoning Enforcement Officer.

**§ 181-11. Barriers - Violations and penalties.**

The penalty for failure to comply with such written notice by the Planning Board or the Building Inspector/Zoning Enforcement Officer shall be \$200 per day for every day such person is in violation of such notice commencing with the fourth day thereof.

ARTICLE III  
Procedure

**§ 181-12. Compliance.**

Compliance of the requirements and conditions of this bylaw may be waived by the permitting authority subject to Mass General Law, as amended, and any other applicable laws.

**§ 181-13. Written Permit.**

The written permit issued shall include any special conditions in addition to the general conditions of this bylaw.

## **Chapter 204**

### **FIRE PROTECTION**

#### **ARTICLE I Key Boxes**

#### **§ 204-2. Violations and penalties**

#### **§ 204-3. Effective date**

#### **§ 204-1. Requirements**

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge as indicated in article histories.]**

#### **GENERAL REFERENCES**

— See Ch.

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#### **ARTICLE I Key Boxes**

**[Adopted (Section XV of the 2005 Compiled General Bylaws)]**

#### **§ 204-1. Requirements**

Unless specifically waived by the Uxbridge Fire Chief, any building other than a residential building of less than six units which has a fire alarm or fire protection system shall be equipped with a secure key box of a type approved by the Fire Chief, and installed in a manner and location designated or approved by the Fire Chief or his/her designee. Said key box shall contain keys or other devices necessary to access and control or service said fire alarm or protection system. The Uxbridge Fire Department shall be provided with the means to enter said key box.

#### **§ 204-2. Violations and penalties**

Any person having lawful control of a building who, after receiving written notice from the Fire Chief or his/her designee, fails to comply with the provisions of this bylaw shall be subject to a fine of \$300 for each day said violation continues.

#### **§ 204-3. Effective date**

This bylaw shall become effective August 10, 1993.

## **Chapter 205**

### **FIRE PROTECTION**

#### **ARTICLE I**

##### **Key Boxes**

**§ 205-1. Purpose**

**§ 205-2. Definitions**

**§ 205-3. Administrators**

**§ 205-4. Registration Required**

**§ 205-5. Registration Procedure**

**§ 205-6. Confidential Information**

**§ 205-7. Automatic Dialer Alarms**

**§ 205-10. Fees**

**§ 205-8. Exterior Audible Devices**

**§ 205-9. False Alarm Fees**

**§ 205-11. Notification and Appeal**

**§ 205-12. Appeal to the Town Hearing  
Officer**

**§ 205-13. Refusal or Failure to pay fee**

**§ 205-14. Exceptions**

**§ 205-15. Severability**

**[HISTORY: Adopted by the Town Meeting November 18, 2014]**

#### **GENERAL REFERENCES**

— See Ch.

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##### **§ 205-1. Purpose**

The purpose of this By-law is to reduce the number of false alarms and to promote the responsible use of alarm devices in the Town.

##### **§ 205-2. Definitions**

As used in this bylaw, the following terms shall have the following meanings:

**ALARM DEVICE:** Any device which, when activated, calls for a police or fire response and (i) transmits a signal to police or fire headquarters, (ii) transmits a signal to an external entity who relays information to the Police, or Fire Department or (iii) produces an audible or visible signal to which the Police or Fire Department are expected to respond. Excluded from this definition and the scope of this By-law are devices which are designated to alert or signal only persons within the premises in which the device is installed and devices which are activated by the release of water from a sprinkler system.

**ALARM USER:** The owner of any premises on which an alarm device is used, provided that an occupant who expressly accepts responsibility for an alarm device by registration, pursuant to this By-law, shall be deemed the alarm user.

**AUTOMATIC DIAL ALARM:** A telephone device or attachment that mechanically or electronically selects a telephone line to the Police or the Fire Department and produces at the Police or Fire station a prerecorded voice message reporting a criminal act, fire, or other emergency calling for police or fire response.

**CONTRACTOR:** Any individual, firm, or corporation in the business of supplying and installing alarm devices or servicing the same.

**FALSE ALARM:** Any activation of an alarm device to which the Police or Fire Rescue Department responds and which is not caused by a criminal act, fire, or other emergency, except an activation caused by:

- (i) Malfunction of telephone company equipment or lines as verified by monitoring facilities at police or fire headquarters, or as verified by the Administrator, or
- (ii) Power failure as verified by the Administrator.

### **§ 205-3. Administrators**

There shall be Administrators for alarm devices who shall have the powers and duties granted under this By-law. The Police Chief or his or her Designee and the Fire Chief or his or her Designee shall be the Administrators.

### **§ 205-4. Registration required**

Each alarm user shall register his or her alarm device with the Administrator prior to use, provided that alarm devices in use as of the effective date of this By-law may be registered no later than sixty (60) days from such date.

### **§ 205-5. Registration procedure**

Alarm device registration shall be accomplished by filling out a form provided by the appropriate Administrator. It shall include information concerning the identity of the prospective alarm user, the identity of the alarm user's contractor, if any, and the nature of the proposed alarm device. The Administrator shall issue the alarm user written acknowledgment of proper registration. Every alarm user shall submit to the appropriate Administrator the names and telephone numbers of a sufficient number of persons who can be reached at any time, day or night, and who are authorized to reset, repair, or otherwise respond to an emergency signal transmitted by an alarm device. It shall be the user's responsibility to keep this list current at all times.

### **§ 205-6. Confidential Information**

All information in the possession of the Administrators and the Police or Fire Department concerning particular alarm users and particular alarm devices shall, to the extent permissible under State law, be confidential and shall not be divulged without the written consent of the alarm user or users concerned.

### **§ 205-7. Automatic Dialer Alarms**

An automatic dial alarm system shall not be allowed to be connected to the Police Department or Fire Department.

**§ 205-8. Exterior Audible Devices**

Unless required by law, no alarm device, which produces an exterior audible signal, shall be installed unless its operation is automatically restricted to a maximum of fifteen (15) minutes. Any alarm device in use as of the effective date of this By-law must comply with this section within one hundred twenty (120) days of such date.

**§ 205-9. False Alarm Fees**

When the Police Department or Fire Department have responded to two false alarms within a one year timeframe, the appropriate Administrator shall impose a fee on the responsible alarm user for each additional false alarm. In instances where both the Police and Fire Departments respond to a false alarm, the Administrator shall be the Fire Chief or his or her Designee.

**§ 205-10. Fees**

The fees charged pursuant to this bylaw shall be established by the Board of Selectmen

**§ 205-11. Notification and Appeal**

The Administrator shall notify the responsible alarm user of any false alarm fee by mail within thirty (30) days. After the mailing of such notice, the alarm user may file with the Administrator information to show that the alarm was not a false alarm. The Administrator shall, within thirty (30) days, consider such information, reaffirm or rescind the false alarm fee, and notify the alarm user of his or her decision by mail. Within thirty (30) days after mailing of such notice, the alarm user may file a written appeal with the Town's Hearing Officer as appointed by the Town Manager.

**§ 205-12. Appeal to the Town Hearing Officer**

Upon receipt of a timely appeal from a false alarm fee, the Town Hearing Officer shall hold a hearing. At least fifteen (15) days before the hearing, he or she shall mail notice of the time and place of said hearing to the alarm user making the appeal at his or her last known address. On the basis of information provided by the alarm user and other information introduced at the hearing, the Town Hearing Officer shall affirm the fee if he or she finds that the fee was properly imposed, or rescind the fee if the fee was not properly imposed.

**§ 205-13. Refusal or Failure to pay fee**

Refusal or failure to pay a fee properly levied shall result in an additional penalty set by the Board of Selectmen. Refusal or failure to pay fee may also result in denial, revocation or suspension of licenses and permits per Chapter 233 of the general bylaws of the Town.

**§ 205-14. Exceptions**

The provisions of this By-law shall not apply to alarm devices on premises owned or controlled by the Town nor to alarm devices installed in a motor vehicle or trailer.

**§ 205-15. Severability**

## Chapter 218

### HISTORIC DISTRICT

|                                       |                                       |
|---------------------------------------|---------------------------------------|
| § 218-1. Purpose                      | § 218-7. Exclusions from Commission's |
| § 218-2. Definitions                  | authority                             |
| § 218-3. Establishment of district    | § 218-8. Review procedure             |
| § 218-4. Historic District Commission | § 218-9. Appeals                      |
| § 218-5. Powers and duties of         | § 218-10. Enforcement                 |
| Commission                            | § 218-11. Severability                |
| § 218-6. Certificates                 | § 218-12. Appendixes                  |

[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge 5-11-2004 (Section XXX of the 2005 Compiled General Bylaws).<sup>1</sup>]

#### GENERAL REFERENCES

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#### § 218-1. Purpose

The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Uxbridge, by means of the maintenance and improvement of their settings and the encouragement of new building designs and modifications compatible with the existing architecture.

#### § 218-2. Definitions

As used in this bylaw the following terms shall have the following meanings in accordance with the Historic Districts Act:

**ALTERATIONS; TO ALTER** — The act or the fact of rebuilding, reconstruction, restoration, renovating, remodeling, replication, removal, demolition, and other similar activities.

**BUILDING** — A combination of materials forming a shelter for persons, animals or property.

**CERTIFICATE** — A certificate of appropriateness, a certificate of nonapplicability, or a certificate of hardship, as set forth in this bylaw.

**COMMISSION** — The Commission acting as the Uxbridge Historic District Commission.

**CONSTRUCTION; TO CONSTRUCT** — The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

**DISTRICT** — The Local Historic District as established in this bylaw consisting of one or more district areas.

**EXTERIOR ARCHITECTURAL FEATURE** — Such portion of the exterior of a building or structure as is open to view from a public way, public street, public park or public body of water, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.



**PERSON AGGRIEVED** — The applicant, an owner of adjoining property, an owner of property within the same historic district as property within one hundred feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic structures or districts.

**SIGN** — Any symbol, design or device used to identify or advertise any place of business, product, location, activity or person.

**STRUCTURE** — A combination of materials other than a building, including, but not limited to, a sign, fence, wall, terrace, walk or driveway.

**TEMPORARY BUILDING OR STRUCTURE** — A building not to be in existence for a period of more than two years. A structure not to be in existence for a period of more than one year.

### **§ 218-3. Establishment of district**

The District shall consist of one or more district areas as listed in §218-12 (Appendixes) of this bylaw.

### **§ 218-4. Historic District Commission**

- A. There is hereby established pursuant to the provisions of the Historic Districts Act a Historic District Commission which shall be known as and may be referred to as the Uxbridge Historic District Commission (hereinafter called the "Commission").
- B. The Commission shall consist of five members who shall be appointed by the Board of Selectmen. The Commission shall include one or more residents of or owners of property in the District as shall file application for membership; one member from two nominees submitted by the Uxbridge Historic Society, or in the absence thereof, by the Society for the Preservation of New England Antiquities; one member from two nominees submitted by the chapter of the American Institute of Architects covering the Town of Uxbridge; and one member from two nominees submitted by the board of realtors covering the Town of Uxbridge. If within 30 days after submission of a written request by the Board of Selectmen for nominees to any of the organizations herein named, no nominations have been made, the Board of Selectmen may proceed to appoint members to the Commission without nominations by such organization. The appointments to membership in the Commission shall be so arranged that the term of at least one member will expire each year, and their successors shall be appointed in the same manner as the original appointment for terms of three years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. The Board of Selectmen may also appoint not more than three alternate members to serve for terms of three years. Such alternate members, who need not be from nominees of organizations entitled to nominate members, may attend all meetings of the Commission and participate in its discussions, and may vote if designated by the Chairman of the Commission to take the place of a principal member of the Commission in the case of that member's absence, inability to act, or unwillingness to act due to self-interest. Each member and alternate shall continue in office after the expiration of his/her term until his/her successor is duly appointed and qualified. All members shall serve without compensation.
- C. Three members of the Commission shall constitute a quorum.

### **§ 218-5. Powers and duties of Commission**

- A. General powers and duties. The Commission shall have jurisdiction over and shall administer any historic districts that are established by the Town of Uxbridge in accordance with and pursuant to the provisions of the Historic Districts Act. In this connection, the Commission shall have all the powers and perform all the duties that are conferred and imposed on the Historic District Commissions by the Historic Districts Act, and by subsequent amendments thereto and which are not inconsistent with the provisions of this bylaw.

- B. Power to adopt rules and regulations; notice. The Commission may adopt and amend such rules and regulations for the conduct of its business that are not inconsistent with the provisions of the Historic Districts Act, this bylaw, and of subsequent amendments, respectively, thereto. Prior to the adoption of, or the amendment to, any of its rules or regulations, the Commission shall hold a public hearing for the purpose of considering such proposed rules or regulations or any amendments thereto. Notice of such public hearing shall be given by the publishing of a written notice in a newspaper that has a general circulation in the Town of Uxbridge and by publishing such notice in the Town Hall, at least 14 days prior to the date that has been set for such hearing. Such notice shall set forth such proposed rules or regulations or amendments thereto, in their entirety, and shall also state the date, time and place that has been set for such hearing. Such rules and regulations shall be adopted and amended in accordance with the Historic Districts Act.
- C. Power to employ assistants, accept and expend money. The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and may accept money gifts and expend the same for such purposes.
- D. Additional powers. The Commission shall have such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of a Town Meeting and such powers, authority and duties as may be vested in it under the laws of the Commonwealth of Massachusetts.

#### **§ 218-6. Certificates**

- A. Except as this bylaw otherwise provides in accordance with §218-7 (Exclusions from Commission's authority), no building or structure or part thereof within a district shall be constructed or altered in any way that affects the exterior architectural features as visible from a public way, unless the Commission shall first have issued a certificate of appropriateness, nonapplicability or hardship with respect to such construction or alteration.
- B. In accordance with the Historic Districts Act, any person who desires to obtain a certificate from the Commission shall file with the Commission an application for a certificate of appropriateness, of nonapplicability or of hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.
- C. No building permit for construction of a building or structure or for alteration of an exterior architectural feature within a district and no demolition permit for demolition or removal of a building or structure within a district shall be issued by the Town or any department thereof until a certificate as required under this bylaw has been issued by the Commission.
- D. The Commission shall determine within 14 days of the filing of an application for a certificate whether said application involves any exterior architectural features which are within the jurisdiction of the Commission.
- E. If the Commission determines that an application for a certificate does not involve any exterior architectural features, or involves an exterior architectural feature which is not subject to review by the Commission under the provisions of this bylaw, the Commission shall forthwith issue a certificate of nonapplicability.
- F. If the Commission determines that such application involves any exterior architectural feature subject to review under this bylaw, it shall hold a public hearing on the application, as pursuant to the Historic Districts Act.

#### **§ 218-7. Exclusions from Commission's authority**

The authority of the Commission shall not extend to the review of any of the following categories of buildings or structures or exterior architectural features in the historic district and, in this event, the buildings or structures or exterior architectural features so excluded may be constructed or altered within the historic district without review by the Commission:

- A. Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may from time to time specify, and subject, also, to applicable laws and Town bylaws.
- B. Terraces, walks, sidewalks, driveway and similar structures, provided that any such structure is substantially at grade level.
- C. Walls and fences.
- D. Storm doors and storm windows, screens, window air conditioners, lighting fixtures, antennae, gutters and similar appurtenances.
- E. The color of paint.
- F. The color of materials used on roofs.
- G. Signs of not more than one square foot in area in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign for each business in connection with the nonresidential use of each building or structure which is not more than 12 square feet in area, consist of letters painted on wood without symbol or trademark and if illuminated is illuminated only indirectly.
- H. Ordinary maintenance, repair or replacement of any exterior architectural feature, which does not involve a change in design, material or the outward appearance thereof.
- I. The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.
- J. Landscaping with trees, shrubs and plants.

#### **§ 218-8. Review procedure**

Any person who is aggrieved by a determination of the Commission may, within 20 days after the filing of a notice of such determination with the Town Clerk, file a written request for review with the Commission for a review of such determination by a person or persons experienced in such matters, designated by the Central Massachusetts Regional Planning Commission. Upon receipt of such notice of appeal the Commission shall forthwith notify the Central Massachusetts Regional Planning Commission, which shall thereafter designate a person or persons to hold a hearing. A written report of such persons decision shall be filed with the Town Clerk within 45 days of receipt of notice of appeal by the Commission and shall be binding on the applicant and the Commission, unless a further appeal is sought in the Superior Court as provided in §218-9 (Appeals). The failure of the Commission and/or the Central Massachusetts Planning Commission to comply with the provisions hereof shall entitle the applicant to such remedies as are then available under the applicable laws of the Commonwealth of Massachusetts.

### **§ 218-9. Appeals**

Any person aggrieved by the finding of a person or persons making a review, may, within 20 days after the filing of the notice of such determination or such finding with the Town Clerk, appeal to Worcester Superior Court. The Court shall hear all pertinent evidence and shall annul the determination of the Commission if it finds the decision of the Commission to be unsupported by the evidence or to exceed the authority of the Commission, or may remand the case for further action by the Commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive but the parties shall have all right of appeal and exception as in other equity cases. Costs shall not be allowed against the Commission unless it shall appear to the Court that the Commission acted with gross negligence, in bad faith or be allowed against the party appealing from such determination of the Commission unless it shall appear to the Court that such party acted in bad faith or with malice in making the appeal to the Court.

### **§ 218-10. Enforcement**

The enforcement of this bylaw and penalties for its violation shall be as prescribed in the Historic Districts Act, as from time to time amended.

### **§ 218-11. Severability**

In case any section, paragraph or part of this bylaw is, for any reason, declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect. Unless otherwise provided herein, all terms used in this bylaw shall have the same meanings as set forth in the Historic Districts Act, as from time to time amended.

### **§ 218-12. Appendixes**

Appendix 1. The Uxbridge Common and Center Historic District shall be a district area under this bylaw. The location and boundaries of the Uxbridge Common and Center Historic District are defined and shown on the Local Historic District Map of the Town of Uxbridge, which is a part of this bylaw. The overall location is shown on the Locus Map while the specific boundaries are shown on the Proposed Uxbridge Common and Center Historic District Map based upon the Assessor's Map.

## Chapter 233

### LICENSES AND PERMITS

#### ARTICLE I Revocation/Suspension for Nonpayment

**§ 233-1. Annual list of nonpayers of local taxes, fees, assessments, betterments or other municipal charges**

**§ 233-2. Authorization to deny, revoke or suspend license or permit**

**§ 233-3. Hearing**

**§ 233-4. Payment agreement**

**§ 233-5. Waivers**

**§ 233-6. Non-applicability**

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge as indicated in article histories.]**

#### GENERAL REFERENCES

— See Ch.

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#### ARTICLE I Revocation/Suspension for Nonpayment [Adopted 5-13-2003 (Section XXIX of the 2005 Compiled General Bylaws)]

**§ 233-1. Annual list of nonpayers of local taxes, fees, assessments, betterments or other municipal charges**

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessment, betterments and other municipal charges, hereinafter referred to as the "Tax Collector," shall annually furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve-month period and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

**§ 233-2. Authorization to deny, revoke or suspend license or permit**

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party.

### **§ 233-3. Hearing**

The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this bylaw shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments, or other municipal charges, payable to the municipality as the date of issuance of said certificate.

### **§ 233-4. Payment agreement**

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

### **§ 233-5. Waivers**

The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his/her immediate family, as defined in MGL c. 268A, § 1, in the business or activity conducted in or on said property.

### **§ 233-6. Non-applicability**

This bylaw shall not apply to the following licenses and permits:

- A. Open burning, MGL c. 48, § 13.
- B. Bicycle permits, MGL c. 85, § 11A.
- C. Sales of articles for charitable purposes, MGL c. 101, § 33.
- D. Children work permits, MGL c. 149, § 69.
- E. Clubs, associations dispensing food or beverage licenses, MGL c. 140, § 21E.
- F. Dog licenses, MGL c. 140, § 137.
- G. Fishing, hunting and trapping licenses, MGL c. 131, § 12.
- H. Marriage licenses, MGL c. 207, § 28.
- I. Theatrical events and public exhibition permits, MGL c. 140, § 181.

## Chapter 236

### PAWNSHOPS, SECONDHAND AND PRECIOUS METAL DEALERS

- |  |   |
|--|---|
| § 236-1. Purpose.  | § 236-16. Holding period before sale.             |
| § 236-2. Definitions.  | § 236-17. Articles to remain on premises.         |
| § 236-3. Authority.  | § 236-18. Examination of articles and shop.       |
| § 236-4. License Required.   | § 236-19. Removal of articles by police officers. |
| § 236-5. Posting of name and occupation.   | § 236-20. Rules and regulations.                  |
| § 236-6. Regulated property.   | § 236-21. Fees.                                   |
| § 236-7. License applications – general.   | § 236-22. Enforcement and Violations.             |
| § 236-8. Issuance and renewal of licenses.   |   |
| § 236-9. Revocation – General.   |   |
| § 236-10. Records of purchases -Transaction Records.                               |   |
| § 236-11. New England State Police Information Network (NESPIN) – Data Submission. |   |
| § 236-12. Certified Scales.  |   |
| § 236-13. Notification to police regarding possible stolen property.               |   |
| § 236-14. Receipt of articles from minor – prohibited.                             |   |
| § 236-15. Responsibility of proprietor for violations.                             |   |

### GENERAL REFERENCES

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#### §236-1. Purpose.

The purpose and intent of this regulation is to establish a system which fairly and impartially regulates the sale of secondhand articles by secondhand dealers, pawnbrokers & precious metals dealers for the stated purpose of:

- A. identifying stolen property that may be received by such second hand dealers, pawnbrokers & precious metals dealers;
- B. deterring and preventing the sale of stolen goods and;
- C. aiding law enforcement officers in their duty to apprehend and prosecute any person who facilitates the theft, possession and or sale of stolen goods, while enabling the return of stolen property to the rightful owners.

#### §236-2. Definitions.

Unless the content specifically indicates otherwise, the meaning of the terms used in this Bylaw shall be as follows:

- A. PAWNBROKER – A person who is engaged in the business of loaning money on the deposit or pledge of wearing apparel, jewelry, ornaments, household goods or other personal property on condition of selling the same back again at stipulated price.

- B. **SECONDHAND DEALER**- Has the same meaning as the term “secondhand collector”, “junk dealer”, “junk collector” and “keeper of a shop” for the purchase, sale or barter of junk, old metals or secondhand articles” as referenced in MGL c. 140, § 54. A secondhand dealer shall mean any person, firm, corporation, or partnership engaged in the business of buying, selling, exchanging, or dealing in any way with secondhand articles, used goods, old junk, scrap metals, or unwanted personal property; regardless of the number of transactions (frequency of sales shall not be relevant) or the location where such sales take place (having a dedicated shop or store and the use of residential property shall not be relevant). This definition shall include all persons who conduct business in the sale of unwanted personal property at a flea market, antique shop, coin show, gun show, jewelry show, refinery reclamation drive, and or any jewelry.
- C. **PRECIOUS METALS DEALER**- One who deals/buys a classification of metals that are considered to be rare and/or have a high economic value. The higher relative values of these metals are driven by various factors including their rarity, uses in industrial processes and use as an investment commodity. Precious metals include, but are not limited to: gold, silver, platinum, iridium, rhodium and palladium.
- D. **APPLICANT** – The individual(s) or corporation that is applying for a license under this bylaw.
- E. **BUYER** – Any person (other than the pawnbroker, secondhand dealer or precious metals dealer who has purchased or otherwise obtained custody, (whether temporary or permanent) of secondhand articles, used goods, old junk, scrap or precious metals, or unwanted personal property. This definition shall also refer to any person who acquires such goods from a secondhand dealer, pawnbroker or precious metals dealer as a gift or in lieu of some form of compensation.
- F. **SELLER** – Shall mean any person who relinquished or is intending to relinquish custody, (whether temporary or permanently) of secondhand articles, used goods, old junk, scrap metals, or unwanted personal property by means of offering for sale, consignment, barter exchange loan or to hold as security.
- G. **PROPRIETOR** – The owner of any business regulated by this Bylaw. This definition applies to all persons with ownership authority, whether the business is a sole proprietorship, partnership, or corporation.
- H. **PRECIOUS METALS**: For the purpose of this bylaw, the term “precious metals” means and includes any precious metal, including, but not limited to, gold, silver, platinum, iridium, rhodium and palladium, without regard to the form or amount of such precious metal.
- I. **PRECIOUS OR SEMI-PRECIOUS STONE OR GEMS**: any stone or gem that is rare or costly or any stone or gem that is of lower value than those classified as precious.



J. ARTICLES: Commodities in excess of \$100.00.

K. BUSINESS: the sole proprietorship, partnership, firm or corporation engaged in the practice of trading in any of the articles defined within this bylaw

**§236-3. Authority.**

The Uxbridge Board of Selectmen, as the licensing authority issues licenses to and regulates secondhand dealers, pawnshops & precious metals dealers within the Town of Uxbridge, Massachusetts.

**§236-4. License required.**

- A. Pawnshops, secondhand dealers & precious metals dealers shall be licensed by the Board of Selectmen prior to engaging in said activity and shall comply with this Bylaw, which was promulgated in accordance with M.G.L. C. 140, § 54 and other applicable enabling authority.
- B. Applications for new licenses and renewal licenses shall be made in writing on forms provided for this purpose by the Office of the Board of Selectmen. Said office shall keep a record of all licenses so issued. Each license granted shall be issued on a location specific basis. No license shall be granted to transient or temporary businesses; they shall issue only with respect to permanent business locations.
- C. Licenses under this section shall be awarded at the sole discretion of the Board of Selectmen.
- D. Upon approval, a license shall be issued and shall continue in effect for one year, unless sooner revoked by the Board of Selectmen. Licenses are renewed annually, effective January 1<sup>st</sup> of each year.
- E. No license may be transferred or assigned to another person, entity, business or location, without approval by the licensing authority.
- F. The license issued hereunder shall be clearly and prominently displayed in a suitable and conspicuous place within the shop, residence or other place in which the proprietor conducts business.

**§ 236-5. Posting of name and occupation.**

The proprietor shall display, in a suitable and conspicuous place in his shop, residence, or other place where he conducts business, a sign at least 15x20 inches in size, with his name and occupation legibly printed thereon.

#### **§236-6. Regulated Property.**

Any proprietor of business who regularly buys, sells, exchanges, or deals with any articles in excess of \$100.00 for resale is considered regulated property. Such shop, residence or other place of business and all articles purchased or sold therein, may, at all times, be inspected by the Police Chief or his designee.

#### **§236-7. License applications – General.**

License applications, upon completion, shall be forwarded for review to the Uxbridge Building Inspector/Zoning Enforcement Officer & Fire Department, prior to submission to the Board of Selectmen. Each official in the previously mentioned Departments may make recommendations to the Board of Selectmen whether the requested license should be approved, modified or denied; however the final decision shall be made at the sole discretion of the Board of Selectmen.

#### **§236-8. Issuance and renewal of licenses.**

The Board of Selectmen may deny or condition its approval of an original or renewal application for proprietor's license if it has reasonable cause to believe any of the following conditions exist:

- A. the proprietor, or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor, has owned or operated any substantially similar license and, within the five years prior to the application date had a pawnbroker, secondhand dealer or precious metals dealer license revoked for a reason that would be grounds for a denial or revocation pursuant this policy;
- B. the proprietor, or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor, has been convicted of a felony or any crime involving a false or fraudulent statement within five years prior to the application date, (a CWOFF shall be re-viewed as a finding or admission of guilt);
- C. the proprietor, or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor, has:
  - (1) knowingly made a false statement in the application;
  - (2) knowingly omitted information requested to be disclosed in the application; or
  - (3) completed the application with reckless disregard for the truth or accuracy of the statements made therein;
  - (4) unjustifiably refused a lawful inspection during regular business hours of the proprietor's premise, books, forms or records by the Police Chief or his designee;
  - (5) been cited for more than three violations of these regulations, any state or federal law, or any combination thereof within a two-year period, including the two years prior to the application date; and/or,
  - (6) been convicted of any law of the Commonwealth of Massachusetts that is contrary to the type of business to be conducted, such as, but not limited to, receiving stolen property, any form of breaking and entering, larceny from a

person or any other form of larceny, or any form of aggravated assault, as verified by a CORI by the Police Chief or his designee;

- D. the business has been found to constitute a public nuisance;
- E. such other grounds exist as the Board of Selectmen determines to be contrary to the public interest or in violation of the conditions of the license or any law or regulation of the Commonwealth or the Town of Uxbridge.

**§236-9. Suspension/Revocation – General.**

- A. A violation of any section of this Bylaw shall result in the suspension of the license for 60 days for the first offense, suspension for one year for the second offense and a revocation for the third offense.

**§236-10. Records of purchases -Transaction Records.**

- A. The proprietor or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor, shall prepare a transaction record upon a form approved by the Chief of Police or designee, regardless of the manner of acquisition, of any article, good or item subject to licensing hereunder, stating:
  - 1. the full name, current address, date of birth and driver's license number of the seller;
  - 2. A photograph of a valid (unexpired) state driver's license that includes the date of birth and photograph of the person offering the identification; or,
    - a. Two other forms and photographs of current identification, at least one of which is issued by a governmental agency or subdivision and includes the date of birth and photograph;
  - 3. Each seller shall sign his or her true name on the transaction record verifying they are the property owner; and
  - 4. the date and time of transaction;
  - 5. a full, detailed and accurate description (including color, make, model, serial numbers, distinguishing marks or engravings) of each article and a photograph of said items with the sales receipt for bought or pawned items; and
  - 6. A proprietor shall also record each transaction, with the information required in a bound book with consecutively numbered pages. The book shall be of a size and style approved by the Chief of Police or his designee. All entries shall be in ink, legible, written in English and assigned a number. The corresponding number shall be attached to the item. No entry in the book shall be erased, obliterated, altered or defaced.

The transaction book shall at all reasonable times be open to the inspection by the chief of police or any officer or person duly authorized by him, or any other person authorized

under law. The transaction books shall be kept for a minimum of three (3) years after the proprietor last does business in the Town of Uxbridge.

**§236-11. New England State Police Information Network (NESPIN) – Data Submission.**

All businesses licensed pursuant to this bylaw, shall submit all records of transactions in accordance with (NESPIN) electronic database protocols and submission schedules.

All said businesses shall simultaneously forward the identical electronic transactions as submitted to NESPIN to the Uxbridge Police Department to the Chief of Police or designee.

**§236-12. Certified Scales.**

All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the sealer of weights and measures, of the Town of Uxbridge. Licensees shall not allow those certifications to lapse.

**§236-13. Notification to police regarding possible stolen property.**

- A. All businesses licensed pursuant to this bylaw shall immediately notify the Uxbridge Police Department upon receiving an article which is questionable as to its status of being stolen and shall make such article available for inspection by an officer of the Police Department.
- B. All businesses licensed pursuant to this bylaw shall not purchase any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed or the article bears the name of a person that is not the seller.

**§236-14. Receipt of articles from minor – prohibited.**

No proprietor, or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor shall directly or indirectly purchase or receive by way of barter or exchange any article from a minor under the age of 18.

**§236-15. Responsibility of proprietor for violations.**

Every proprietor licensed under this article shall be responsible for all persons employed by him in the business. Any violation of this article or of the terms of this license by any employee of such dealer, or by any person upon the licensed premises, shall be construed to be a violation of the terms of this article or of the license by the proprietor.

**§236-16. Holding period before sale.**

No article herein described shall be sold, encumbered by sales contract, transferred, altered in its appearance, or otherwise disposed of, within sixty (60) days of purchase.

**§236-17. Articles to remain on premises.**

All articles purchased shall remain on the premises during the waiting period; items shall not be placed on the sales floor until the waiting period has expired, unless the item is clearly marked with the corresponding transaction number and the sales release date based on the time frame as specified.

**§236-18. Examination of articles and shop.**

Any business licensed pursuant to this bylaw, shall during regular business hours be open to inspection of all articles, books, the premises, or inventories by the Chief of Police or any officer or person duly authorized by him, or any other person authorized under law.

**§236-19. Removal of articles by police officers.**

- A. If the Chief of Police or his designee determines that any articles are needed for evidence in a criminal investigation, a duly authorized police officer may seize that evidence, subject to applicable criminal procedures, if any. The proprietor shall be issued a receipt for the article(s).
- B. Said seized articles, subject to a courts direction, if any, may be kept as long as necessary to permit the article to be used as evidence and for such reasonable time thereafter as needed to best determine, if possible, the person(s), if any, lawfully entitled to possession of said property and return the same to them.

**§236-20. Rules and regulations.**

The Board of Selectmen may adopt such rules, regulations and policy governing the issuance of licenses and the conduct of businesses licensed pursuant to this bylaw pursuant to the authority granted by Chapter 140, Section 54 of the General Laws and/or pursuant to the authority granted herein.

**§236-21. Fees.**

- A. The annual fee for the license issued pursuant to this Bylaw shall be established by the Board of Selectmen.

**§236-22. Enforcement and Violations.**

- A. Violation of any provision of this Bylaw may be addressed administratively, prosecuted as a criminal matter, or by the procedure provided in § 21D of Chapter 40 of the General Laws. Each day a violation occurs shall be considered a separate violation hereunder.

## **Chapter 245**

### **LOITERING**

#### **§ 245-1. Prohibited acts**

#### **§ 245-2. Violations and penalties**

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge (Section XVIII of the 2005 Compiled General Bylaws<sup>1</sup>).]**

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#### **§ 245-1. Prohibited acts**

No person or persons shall continue to loiter, sit or stand in any street, sidewalk, public place, public building or any property not their own or under their control, so as to obstruct or impede the free passage of, or in any manner annoy or disturb any other person, after having been directed by a police officer to move on or disperse.

#### **§ 245-2. Violations and penalties**

The penalty for any violation of this bylaw shall be a fine of not more than \$200.

## **Chapter 289**

### **SEWERS**

#### **ARTICLE I Sewer Rules and Regulations**

- § 289-1. Legislative authority**
- § 289-2. Collection remedies**
- § 289-3. Residential equivalents**
- § 289-4. Assessment of permanent sewer  
privilege fee**
- § 289-5. Connection required; variance.**
- § 289-6. Manner of assessment**
- § 289-7. Applicability of state law**
- § 289-8. Other fees**

#### **ARTICLE II Interest on Sewer Usage Charges**

- § 289-9. Determination of Interest**

#### **ARTICLE III Rules and Regulations for Sewer Use**

- § 289-10. Definitions**
- § 289-11. Building sewers and connections**
- § 289-12. Use of public sewers**
- § 289-13. Right of entry; protection from  
damage**
- § 289-14. Violations and penalties**
- § 289-15. Repealer; severability**

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge as indicated in article histories.]**

#### **GENERAL REFERENCES**

— See Ch.

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#### **ARTICLE I Sewer Rules and Regulations**

##### **§289- 1. Legislative authority**

Pursuant to and in accordance with the authority vested in the Board of Selectmen, acting as Sewer Commissioners, by the provisions of M.G.L. Chapter 83, sections 14, 16, 17-24, and any other enabling authority, said Board of Selectmen shall establish a rate/assessment structure and pricing system to offset the costs to sustain the operation, management and growth of the Town storm water/wastewater disposal systems. The definition of “costs,” as referenced herein, shall include the costs and expenses necessary to operate, maintain and repair existing sewer facilities, and the costs necessary to develop and increase wastewater resources and facilities to enable the Town to meet anticipated demands for wastewater treatment capacity created by future economic development and population growth in the Town’s service area.

##### **§289-2. Collection remedies**

All provisions of General Law relative to the assessment, apportionment, division, re-assessment, abatement and collection of sewer rates, charges, fees and assessments, to liens therefore, and to interest accruing thereon, shall apply to any rates, fees, sewer privilege charges or assessments made under this Bylaw. Any rate, charge, fee or assessment made or to be made under this Bylaw, from time to time, which remains unpaid as of the date of any amendment hereto shall remain subject to any liens imposed

and collection remedies available with respect thereto under applicable terms of General Law or these Bylaws until said sums are collected or abated.

**§ 289-3. Residential equivalents.**

The permanent sewer privilege fee shall be established on the basis of residential equivalents. The Superintendent of the Department of Public Works shall determine the average annual flow of sewerage and the strength of waste which the average residential unit discharges into the sewer system. Such average shall be known as the "residential unit equivalents" for the purpose of apportioning the cost of development of the sewer system for the Town of Uxbridge.

**§ 289-4. Assessment of permanent sewer privilege fee.**

Whenever a common sewer is available, either directly or indirectly, as determined by the Superintendent of the Department of Public Works, to the Town sewer system, or whenever the use of a sewer previously connected is subsequently changed as hereinafter provided, a permanent sewer privilege fee shall be assessed. Such fee shall be that which is in effect at the time the connection is made; or in the case of a change in use of sewer previously connected, then the fee in effect at the time an application for a building permit is filed; or if no such permit is required then at the time an occupancy permit is issued, or, if none, then at the time the new use begins.

**A. Residential use.**

- (1) Each single-family building connected directly to the Town sewer system shall be assessed as one unit.
- (2) Each dwelling unit in a multiple-family dwelling, whether connected to the Town sewer system directly, or indirectly, and whether in one or more buildings, shall be one unit for the first dwelling unit, and  $\frac{1}{2}$  unit for each additional dwelling unit. For the purpose of this section, "multiple-family dwelling" shall be deemed to include, but not be limited to, more than single-family buildings, apartment houses, complexes, townhouses, condominiums, or otherwise.
- (3) In the case of approved subdivisions, when branch or secondary mains are installed and paid for by developers or by persons other than the Town of Uxbridge, each dwelling unit connected to the Town sewer system shall be assessed  $\frac{1}{2}$  of the assessments under Subsection A(1) and A(2) for a period of five years from the date of the original subdivision plan approval by the Planning Board. Subsection A(1) and A(2) shall apply to all connections made after the original five-year period.

**B. Industrial use.** For those uses and activities which are classified as "industrial," the rate to be paid shall be established in a manner which will provide the number of residential unit equivalents equal to the estimated annual flow expected to be introduced in the sewerage system.

**C. Other uses.**

- (1) For uses determined by the Superintendent of the Department of Public Works to be commercial, there shall be an assessment of a minimum of one unit, and an additional unit for every 10,000 square feet of floor space, or major portion thereof, exceeding an initial 10,000 square feet, up to a total of 50,000 square feet of floor space, and an additional unit for every 25,000 square feet of floor space or major portion thereof exceeding the initial 50,000 square feet.
- (2) In the case of approved commercial or industrial subdivisions, when branch or secondary mains are installed and paid for by developers or by persons other than the Town of Uxbridge the charges assessed shall be  $\frac{1}{2}$  of the charges described in Subsection C(1) for a period of



five years from the date of the original subdivision plan approval. Subsection C(1) shall apply to all connections made after the original five-year period.

D. Changes in use.

- (1) When a sewer has previously been constructed, in residential uses when additional dwelling units are added, a fee of 1/2 unit per additional dwelling shall be assessed.
- (2) When a sewer has previously been connected, in uses other than residential when additional floor space is added, a fee shall be assessed on one unit for each additional 10,000 square feet of floor space, or major portion thereof, up to a total of 50,000 square feet of total floor space of the building; and an additional unit for every 25,000 square feet of floor space, or major portion thereof, exceeding the initial 50,000 square feet.

**§ 289-5. Connection required; variance.**

The owner or occupant of any building upon land abutting on a public or private way, in which there is a common sewer, shall within two years, connect the same therewith by a sufficient drain. A variance from this requirement may be granted by the Board of Health on the following conditions:

- A. That said land, by reason of its grade or level or any other cause cannot be drained into such sewer, until such incapacity is removed and, further, provided that a private septic system is installed which meets the requirements of the Board of Health, said variance to be only so long as said system continues to meet those requirements as they may be amended or revised.
- B. That the dwelling units on River Road in existence as of May 9, 2000, are exempt from connecting into the municipal sewer system if sewer lines are installed by the Town of Millville.

**§ 289-6. Manner of assessment.**

The fee under this bylaw shall be assessed by the Sewer Commissioners upon the estate benefited thereby. Such assessment shall be made by filing with the Assessor's Office of the Town a certificate, designating the way on which the premises connected lies, and giving the name or names of the owners of the estate for which such connection has been made and the amount of the assessment to be paid by such owner or owners. A copy or duplicate of this certificate shall, within 30 days after the filing of the same with the Assessor's Office, be recorded in the Registry of Deeds for the County of Worcester, or, in the case of registered land, filed in the office of the Assistant Recorder for the Worcester County Registry District.

**§ 289-7. Applicability of state law.**

Except as herein provided, the provisions of the General Laws relative to the assessment, apportionment, division, reassessment, abatement, and collection of sewer assessments, to liens therefor, and to interest thereon shall apply to assessments made under this bylaw; the notice referred to herein shall be deemed to be the demand of the Tax Collector. The lien for any assessment made under this bylaw shall attach upon the recording or filing for registration of the copy or duplicate of the certificate of assessment.

**§ 289-8. Other fees.**

In addition to the fees prescribed by this bylaw the owner shall pay the rates established from time to time for sewer usage and shall also pay for all service work, materials, and inspection from the main to the building or buildings serviced.

## ARTICLE II

### Interest on Sewer Usage Charges

[Adopted 6-16-1981 (Section XXI, Subsection B, of the 2005 Compiled General Bylaws)]

#### § 289-9. Determination of interest

Sewer usage charges shall accrue interest from the 30th day after the date the initial bill theretofore is mailed to the person responsible for its payment until paid at the same rate interest accrues on unpaid real estate taxes as provided by MGL c. 60, §57.

## ARTICLE III

### Rules and Regulations for Sewer Use

[Adopted 6-16-1981 (Section XXI, Subsection C, of the 2005 Compiled General Bylaws)]

#### § 289-10. Definitions

Unless the content specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

**BOARD** — Shall mean the Board of Sewer Commissioners or Sewerage Committee of the Town.

**BOD** (denoting "biochemical oxygen demand") — Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

**BUILDING DRAIN** — Shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER** — Shall mean the extension from the building drain to the public sewer or other place of disposal.

**COMBINED SEWER** — Shall mean a sewer receiving both surface runoff and sewerage.

**GARBAGE** — Shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

**INDUSTRIAL WASTE** — Shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewerage.

**NATURAL OUTLET** — Shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**PERSON** — Shall mean any individual, firm, company, association, society, corporation, partnership, or group.

**pH** — Shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PROPERLY SHREDDED GARBAGE** — Shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER** — Shall mean a sewer in which all owners of abutting properties have equal rights, and

is controlled by public authority.

**SANITARY SEWER** — Shall mean a sewer which carries sewage and to which storm-, surface, and ground waters are not intentionally admitted.

**SEWAGE** — Shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

**SEWAGE TREATMENT PLANT** — Shall mean any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS** — Shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

**SEWER** — Shall mean a pipe or conduit for carrying sewage

**SHALL; MAY** — Shall is mandatory; may is permissive.

**SLUG** — Shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration or flows during normal operation.

**STORM DRAIN** — Shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**SUPERINTENDENT** — Shall mean the Superintendent of Sewage Works of the Town of Uxbridge, or his/her authorized deputy, agent, or representative.

**SUSPENDED SOLIDS** — Shall mean solids that either float on the surface of, or are in suspension of water, sewage, or other liquids, and which are removable by laboratory filtering.

**TOWN** — Shall mean the Town of Uxbridge, Massachusetts.

**WATERCOURSE** — Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

#### **§ 289-11. Building sewers and connections**

- A. No authorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least 45 days prior to the proposed change or connection. No person shall break, cut or remove, any pipe of the public sanitary sewer, or make or cause to be made any connection to said sewer except through the connection branches provided for that purpose, unless in another manner approved by the Board.
- B. There shall be two classes of building sewer permits: a) for residential and commercial service, and b) for service to establishments producing industrial wastes. In either case, the owner or his/her agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered to be pertinent in the judgement of the Superintendent. The permit and inspection fee for a residential or commercial building sewer permit or for an industrial building sewer permit shall be paid to the Town at the time the application is filed.
- C. All costs and expenses incident to the installation and connections of the building sewer shall be

borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

- D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this article.
- F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and Water Pollution Control Federation Manual of Practice No. 9 shall apply.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the American Society for Testing of Materials and Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- J. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his/her representative.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

#### **§ 289-12. Use of public sewers**

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure to interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
  - (3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
  - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ash, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- D. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- (1) Any liquid or vapor having a temperature higher than 150° F. (65° C.).
  - (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.).
  - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
  - (4) Any waters of wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
  - (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
  - (6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage to meet the requirements of the state, federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
  - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
  - (8) Any waters or wastes having a pH in excess of 9.5.
  - (9) Materials which exert or cause:

- (a) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - (d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- E. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection D of this section, and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may: a) reject the wastes, b) require pretreatment to an acceptable condition for discharge to the public sewers, c) require control over the quantities and rates of discharge, and/or d) require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection J of this section. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.
- F. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excess amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.
- H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.
- I. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable examples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point

at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pHs are determined from periodic grab samples.

- (1) All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent and/or duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available upon request by the Superintendent to other agencies having jurisdiction over discharges to the receiving waters.
- J. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor, by the industrial concern.

#### **§ 289-13. Right of entry; protection from damage**

- A. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The Superintendent or his/her representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastes treatment.
- B. While performing the necessary work on private properties referred to in Subsection A above, the Superintendent or duly authorized employee of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 289-12H.
- C. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town hold a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### **§ 289-14. Violations and penalties**

- A. Any person found to be violating any provision of this ordinance except § 289-13 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

- B. Any person who shall continue any violation beyond the time limit provided for in Subsection A shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not to exceed the maximum allowed under the MGL c. 83, § 10, as amended by St. 1987, c. 174, § 7. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this article shall become liable to the Town for any expense, loss, or damage occasioned by Town by reason of such violation.

**§ 289-15. Repealer; severability**

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. The invalidity of any section, clause, sentence, or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.



## **Chapter 290**

### **STORMWATER**

**§ 290-1. Purpose.**

**§ 290-2. Definitions.**

**§ 290-3. Authority.**

**§ 290-4. Administration.**

**§ 290-5. Applicability.**

**§ 290-6. Procedures.**

**§ 290-7. Enforcements.**

**§ 290-8. Appeals.**

**§ 290-9. Severability.**

### **GENERAL REFERENCES**

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#### **§ 290-1. Purpose.**

A. The purpose of this Bylaw is to protect the public health, safety, environment and general welfare by establishing requirements and procedures to manage storm water runoff, promote groundwater recharge and to prevent water pollution from new development and redevelopment. This Bylaw seeks to meet that purpose through the following objectives:

- (1) Establish regulations for land development activities that preserve the health of water resources;
- (2) Require that the amount and quality of storm water from new development is equal to or better than pre-development conditions in order to reduce flooding, stream erosion, pollution, property damage and harm to aquatic life;
- (3) Establish storm water management standards and design criteria to control the quantity and quality of storm water runoff;
- (4) Encourage the use of “low impact development practices”, such as reducing impervious cover and preserving greenspace and other natural areas;
- (5) Establish maintenance provisions to ensure that storm water treatment practices will continue to function as designed and pose no threat to public safety;
- (6) Establish procedures for the Town’s review of storm water management plans and for the Town’s inspection of approved storm water treatment practices.
- (7) Prevent and eliminate non-storm water discharges to the Town’s municipal separate storm sewer system (MS4).
- (8) Prohibit illicit connections and unauthorized discharges to the MS4, and require the removal of all such illicit connections.

B. Nothing in this Bylaw is intended to replace the requirements of the Town of

Uxbridge Zoning Bylaw, or any other Bylaw that may be adopted by the Town of Uxbridge. Any activity subject to the provisions of the above-cited Bylaws must comply with the specifications of each.

## **§ 290-2. Definitions.**

Unless the content specifically indicates otherwise, the meaning of the terms used in this article shall be as follows:

**ALTER:** Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alter may be similarly represented as “alteration of drainage characteristics,” and “conducting land disturbance activities.”

**BEST MANAGEMENT PRACTICE (BMP):** Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in storm water volumes and flows, reduce point source and nonpoint source pollution, and promote storm water quality and protection of the environment. “Structural” BMPs are devices that are engineered and constructed to provide temporary storage and treatment of storm water runoff. “Nonstructural” BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

**BETTER SITE DESIGN:** Site design approaches and techniques that can reduce a site’s impact on the watershed through the use of nonstructural storm water management practices. Better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for storm water management.

**DISCHARGE OF POLLUTANTS:** The addition from any source of any pollutant or combination of pollutants into the MS4.

**HOTSPOT:** Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.

**ILLICIT CONNECTION:** A surface or subsurface drain, conduit, or conveyance that allows an illicit discharge to enter the MS4, including without limitation sewage septage, process wastewater, or wash water, and any connection from indoor drains, sinks, or toilets, regardless of whether said connection was permissible under applicable law, regulation, or custom at the time of construction.

**ILLICIT DISCHARGE:** A discharge that is not entirely comprised of storm water. Notwithstanding the foregoing, an illicit discharge does not include discharges from the following activities or facilities: firefighting, water line flushing, landscape

irrigation, uncontaminated ground water, potable water sources, foundation drains, air conditioning condensation, footing drains, individual resident car washing, flows from riparian habitats and wetlands, dechlorinated water from swimming pools, water used from street washing and water used to clean residential buildings without detergents.

**MASSACHUSETTS STORM WATER MANAGEMENT POLICY:** The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses Storm Water impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or manmade or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Uxbridge.

**NEW DEVELOPMENT:** Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

**NONPOINT SOURCE POLLUTION:** Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

**NON-STORM WATER DISCHARGE:** Discharge to the MS4 not composed entirely of storm water. The following non-storm water discharges are exempt from this definition, provided that the source is not a significant contributor of a pollutant to the MS4: water line or hydrant flushing; discharges from firefighting activities; foundation or footing drains; landscape irrigation and lawn watering; air conditioning condensation; dechlorinated (<1part per million chlorine) swimming pool discharges; water from individual residential car washing; discharge from street sweeping; flow from potable water sources; flow from springs; wetlands, diverted streams, or riparian habitats; rising groundwater, including uncontaminated infiltrated or pumped groundwater; and others with approval.

**PERSON:** Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town Bylaws, administrative agency, public or quasi-public corporation or body, the Town of Uxbridge, and any other legal entity, its legal representatives, agents, or assigns.

**POLLUTANT:** Contaminant including, but not limited to, heavy metals, toxins, oil and grease, solvents, nutrients, viruses and bacteria , solid waste, sewage, septage, agricultural waste, gasoline, diesel fuel, heat chemicals, detergents, fertilizers and pesticides, and animal waste.

**PRE-DEVELOPMENT:** The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Storm Water Authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time just prior to the first plan submission shall establish pre-development conditions.

**POST-DEVELOPMENT:** The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

**RECHARGE:** The replenishment of underground water reserves.

**REDEVELOPMENT:** Any construction, alteration, or improvement exceeding land disturbance of one acre (43,560 [gross] square feet, where the existing land use is commercial, or institutional.

**STORM WATER:** Storm water runoff, snow melt runoff, and surface water runoff and drainage.

**STORM WATER AUTHORITY:** The Planning Board is the Town of Uxbridge's Storm Water Authority. The Storm Water Authority is responsible for coordinating the review, approval and permit process as defined in this Bylaw. Other Boards and/or departments participate in the review process as defined in the Storm Water Regulations adopted by the Planning Board.

**STORM WATER DISCHARGE:** Conveyance or system of conveyances (including pipes, conduits, ditches and channels) primarily used for collecting and conveying storm water runoff.

**STORM WATER MANAGEMENT PERMIT (SMP):** A permit issued by the *Storm Water Authority*, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated storm water runoff.

Definitions shall apply in the interpretation and implementation of the Bylaw. Terms not defined in the bylaw shall be understood according to their customary and usual meaning. Additional definitions may be adopted by separate regulation.

### **§ 290-3. Authority.**

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, and pursuant to the regulations of the federal Clean Water Act, and as authorized by the residents of the Town of Uxbridge at Town Meeting, dated November 10, 2015.

### **§ 290-4. Administration.**

- A. The Storm Water Authority, shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Storm Water Authority may be delegated in writing by the Storm Water Authority to its employees or agents. The Storm Water Authority shall be the Uxbridge Planning Board, which may request input or involvement from the Department of Public Works, the Conservation Administrator and/or Conservation Commission, the Board of Health, and other Boards and/or Departments as it may deem necessary or appropriate to administer, implement, and enforce specific components of this Bylaw.
- B. Storm Water Regulations. The Storm Water Authority may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Storm Water Bylaw by majority vote of the Storm Water Authority, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least 14 days prior to the hearing date. After public notice and public hearing, the Storm Water Authority may issue rules and regulations to fulfill the purposes of this Bylaw. Failure by the Storm Water Authority to issue such rules and regulations or a legal declaration of their invalidity of any such rule or regulation by a court shall not act to suspend or invalidate the effect of this Bylaw.
- C. Storm Water Management Manual. The Storm Water Authority will adopt the policy, criteria, and information including specifications and standards, set forth in the latest edition of the Massachusetts Storm water Handbook, to implement the provisions of this Bylaw. This Handbook includes a list of acceptable storm water treatment practices, including the specific design criteria for each. The Handbook may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Storm Water Regulations, storm water management practices that are designed, constructed, and maintained in accordance with the Handbook's design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
- D. Actions by the Storm Water Authority. The Storm Water Authority may take any of the following actions as a result of an application for a Storm Water Management Permit: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.

- E. Appeals of Action by the Storm Water Authority. A decision of the Storm Water Authority shall be final. A decision by the Storm Water Authority made under this Bylaw shall be reviewable in the Superior Court pursuant to an action filed within 60 days thereof, in accordance with M.G.L. Ch. 249 § 4.

**§ 290-5. Applicability.**

- A. This bylaw shall be applicable to all new development and redevelopment, including site plan applications and subdivision applications. The Bylaw shall apply to any activities that will result in an increased amount of storm water runoff or pollutants from a parcel of land, or that will alter the drainage characteristics of a parcel of land, unless exempt under Section 5.C of this Bylaw. All new development and redevelopment under the jurisdiction of this Bylaw shall be required to obtain a Storm Water Management Permit.
- B. An alteration, redevelopment, or conversion of land use to a hotspot (as determined by the Storm Water Authority in conformance with Standard 5 of the Massachusetts Storm Water Management Policy) including, but not limited to: auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas, shall require a Storm Water Management Permit.
- C. EXEMPTIONS. No person shall alter land within the Town of Uxbridge without having obtained a Storm Water Management Permit (SMP) for the property with the following exceptions:
1. Any activity that will disturb an area less than one acre (43,560 [gross] square feet) of a property.
  2. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and MGL Chapter 40A Section 3;
  3. Conversion of land to agricultural use for crops and/or pasture uses;
  4. Maintenance of existing landscaping, gardens or lawn areas appurtenant to a single family dwelling;
  5. Repair or replacement of an existing roof of a single-family dwelling;
  6. Construction of a single-family family dwelling, where approval is not required, as such term is defined in the Subdivision Control Law (G.L. c. 41, §81P), unless the associated land disturbance activity exceeds one acre (43,560 [gross] square feet). Prior to land disturbance activities, persons constructing single-family dwellings are strongly encouraged to consult with the Town's Director of the Department of Public Works about actions to reduce storm water impacts during and after construction. It is also recommended that individuals constructing single-family dwellings prepare

and grade lots in such a manner that development of the lot does not cause detrimental drainage onto another lot or onto streets or ways either during construction or upon completion thereof. Persons constructing single-family dwellings are strongly encouraged to use storm water control and site planning methods.

7. Repair or replacement of an existing septic system. Persons repairing or replacing septic systems are strongly encouraged to consult with the Town Board of Health about actions to reduce storm water impacts during and after construction.
8. The construction of any fence that will not alter existing terrain or drainage patterns;
9. Construction of a deck, patio, retaining wall, expansion of an existing driveway, construction of a shed, swimming pool, tennis or basketball court appurtenant to a single-family dwelling;
10. Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns;
11. Emergency repairs to any storm water management facility that poses a threat to public health or safety, or as deemed necessary by the Storm Water Authority;
12. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw; and
13. Timber harvesting under an approved Forest Cutting Plan as defined by the Forest Cutting Practices Act regulation 304 CMR 11.00 and MGL Chapter 132 Sections 40 through 46.

#### D. Illicit Discharges

No person or entity shall dump, discharge, cause, or allow to be discharged any pollutant or non- storm water discharge into any pipe, drain, catch basin, or other structure in the MS4 such that it discharges into MS4, a water body, or a wetland resources area, whether by direct or indirect connection. No person shall construct, use, allow, maintain, or continue any illicit connection to the MS4, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of construction. No person or entity shall discharge, cause, or allow to be discharged any septage or septic tank or cesspool overflow in the MS4.

#### **§ 290-6. Procedures.**

Permit Procedures and Requirements shall be defined and included as part of any rules and regulations promulgated under Section 4 of this Bylaw.

#### **§ 290-7. Enforcements.**

The Planning Board or its designee shall enforce these Regulations, and may pursue all available remedies for violations, including issuance of a written enforcement order. If remediation is required, the order may set forth a deadline when work shall be completed. Said order may further advise that failure to remedy violations may require the Town of Uxbridge to correct violations and pursue measures to obtain reimbursement from the property owner. If such corrective action by the Town is undertaken, within 30 days after correcting the violation, the violator and the property owner shall be notified of the costs incurred by the Town of Uxbridge, including reasonable administrative costs.

Any person, who violates any provision of the Town of Uxbridge Storm Water Bylaw, or any Regulation adopted or permit issued thereunder, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$100.00 per day or part thereof that such violation occurs or continues. Each day during which such violation continues after notification of the violation by the Town shall constitute a separate offense for purposes of this section.

#### **§ 290-8. Appeals.**

The decisions or orders of the Planning Board may be appealed to a court of competent jurisdiction. The remedies described in these Regulations are cumulative in nature and shall not preclude the exercise of any other remedies available under any applicable federal, state or local law.

#### **§ 290-9. Severability.**

The invalidity of any section, provision, paragraph, sentence, or clause of this Bylaw shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.



## Chapter 302

### SOLID WASTE

#### § 302-1. General disposal regulations

#### § 302-3. Disposal by burning prohibited.

#### § 302-2. Commercial incinerators prohibited.

[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge (Section XI of the 2005 Compiled General Bylaws<sup>1</sup>).]

#### GENERAL REFERENCES

— See Ch.

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#### § 302-1. General disposal regulations

- A. No person shall bring any trash, rubbish, refuse, discarded materials including tires, tree roots, bottles, cans, crates, and waste or materials from demolished buildings, or any other material whatsoever, from without the Town limits into the Town of Uxbridge for the purpose of depositing it in any area used or set aside as a public or private dump or public or private transfer station.
- B. No person shall deposit in any dump, public or private, any animal or vegetable material or other material which shall become a breeding place for rodents, flies, or vermin.
- C. Likewise, no person shall deposit in any dump, public or private, any material which by odor, dust or putrefaction, or otherwise, shall be deemed to be obnoxious material by the Board of Health, unless otherwise authorized to do so by the Board of Health.
- D. No person shall use a dumping area for the disposal of rubbish, trash, or refuse including discarded materials as set forth in Subsection A of this section of this bylaw unless the area is approved as a dumping site pursuant to provisions of MGL c. 111, §150A.
- E. No person not a resident of the Town of Uxbridge who does not own real property therein shall be permitted to deposit any trash, rubbish, refuse, or any material whatsoever, in any area set aside by the Town as public dump or public transfer station.

#### § 302-2. Commercial incinerators prohibited

Commercial incinerators for the purpose of destroying any materials will not be allowed in the Town of Uxbridge.

#### § 302-3. Disposal by burning prohibited

The disposal of solid waste or hazardous waste by means of incineration, resource recovery or any other burning method shall be prohibited within the Town of Uxbridge.

## **Chapter 313**

### **TAXATION**

#### **ARTICLE I**

##### **Brownfields Tax Abatement**

##### **§ 313-2. Subject properties**

##### **§ 313-3. Abatement agreement**

##### **§ 313-1. Purpose; definitions**

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge as indicated in article histories.]**

#### **GENERAL REFERENCES**

— See Ch.

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#### **ARTICLE I**

##### **Brownfields Tax Abatement**

**[Adopted 2-4-2003 (Section XXVIII of the 2005 Compiled General Bylaws)]**

##### **§ 313-1. Purpose; definitions**

- A. It is intent of the Town of Uxbridge to offer tax abatements pursuant to MGL c. 59, §59A, to encourage the continued environmental cleanup and redevelopment of sites zoned for industrial and commercial use from or at which there has been a release of oil or hazardous material.
- B. Definitions of all material terms of this bylaw are those as set forth in MGL c. 21E.

##### **§ 313-2. Subject properties**

Property which may be the subject of tax abatement agreement pursuant to this bylaw must:

- A. Be a site or portion of a site from or at which there has been a release of oil or hazardous materials;
- B. Be owned by an eligible person, as that term is defined in MGL c. 21E, §2;
- C. Be zoned for commercial or industrial use.

##### **§ 313-3. Abatement agreement**

- A. The Town Manager is hereby authorized to negotiate agreements for the abatement of real estate taxes (hereinafter, "abatement agreements") with owners of eligible properties, the terms of which "abatement agreements" shall be subject to approval by the Board of Selectmen.
- B. Abatement agreements may allow for reductions in outstanding taxes, interest, and/or penalties.
- C. Abatement agreements shall include, but not be limited to:
  - (1) The amount of outstanding real estate taxes to be abated which may be up to 100%;
  - (2) The percent of interest to accrue if determined applicable by the Town Manager and the property owner;

- (3) The description of quantifiable monthly payments;
  - (4) The inception date of monthly payments;
  - (5) The date of final payment;
  - (6) The late penalties to be imposed; and
  - (7) Any and all other contractual terms as arranged between the Town Manager and the property owner.
- D. All abatement agreements shall be signed by the Chairman of the Board of Selectmen and the property owner, whose signatures shall be notarized, and attested to by the Town Clerk.
- E. Copies of all abatement agreements shall be provided to the Massachusetts Department of Environmental Protection, the United States Environmental Protection Agency, the Massachusetts Commissioner of Revenue, the Board of Selectmen and property owner.

## Chapter 327

### VEHICLES AND TRAFFIC

#### § 327-1. Regulations and parking

#### § 327-3. Obstruction of public ways

#### § 327-2. Alcoholic beverages

#### § 327-4. Handicap parking

[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge (Section VIII of the 2005 Compiled General Bylaws<sup>1</sup>).]

#### GENERAL REFERENCES

— See Ch.

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#### § 327-1. Regulation and parking

The Selectmen shall have the power and the authority to regulate traffic upon the streets and highways of the Town of Uxbridge and to make rules and regulations as to the parking of motor vehicles upon said streets and highways; and to set up rules and regulations for the operation of traffic on said ways in all matters not otherwise specifically provided for by laws of the Commonwealth of Massachusetts nor in conflict with rules and regulations of the Registry of Motor Vehicles of said Commonwealth.

#### § 327-2. Alcoholic beverages

- A. No person shall consume any alcoholic beverage or have within the person's possession or control any container of alcoholic beverages which is open, or has seals which have been broken, while the person is in or upon any public way, way to which the public has a right of access as invitees or licensees, park, playground, or other public or private place without the consent of the owner or person in control of such place.
- B. Any police officer witnessing a violation of this section of this bylaw shall have the power to arrest the violator without a warrant and shall bring the violator before the next session of the District Court with jurisdiction of the violation.
- C. All alcoholic beverages being consumed or in the possession or control of any person in violation of this bylaw shall be seized and safely held until final adjudication of the charge against the person or persons charged with violating this bylaw, at which time they shall be delivered to the person or persons entitled thereto.
- D. Any person who violates any provision of this section of this bylaw shall be subject to fine not exceeding \$300.

#### § 327-3. Obstruction of public ways

No person shall place snow, ice or any other materials, including leaves, gravel, sand, or similar debris from private property onto the traveled portion of a public way or sidewalk so as to impede or obstruct the use of such public way or sidewalk or so as to create a hazard or unsafe condition on such a public way or sidewalk. This provision shall be enforced by the Uxbridge Police Department. Whoever violates this section shall be punished by a fine of not more than one hundred and fifty dollars \$150.00 per violation. Each day, or portion thereof, after the issuance of a violation notice hereunder during which the violation remains unresolved shall be considered a new violation.

#### **§ 327-4. Handicap parking**

- A. Applicability. This section shall apply to any existing or future parking area to which the public has right of access as invitees or licensees which contains more than 15 parking spaces.
- B. Requirements for handicapped parking spaces. No person shall park a motor vehicle, motorcycle or like means of transportation in a designated parking space that is reserved for vehicles owned and operated by disabled veterans or by handicapped persons unless said vehicle bears the distinctive license plates or placards authorized by MGL c. 90, §2, or for vehicles transporting a handicapped person and displaying the special identification plate authorized by MGL c. 90, §2, or for any vehicle bearing the official identification of a handicapped person issued by any other state. Any person or body that has lawful control of a public or private way or of imposed or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings or for any other place where the public has a right of access as invitees or licensees, shall be required to reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate or placard authorized by MGL c. 90, §2, or for vehicles transporting a handicapped person and displaying the special identification plate authorized by MGL c. 90, §2, or for any vehicle bearing the official identification of a handicapped person issued by any other state, according to the following formula: if the number of parking spaces in any such area is:
- (1) More than 15 but not more than 25: one parking space.
  - (2) More than 25 but not more than 40: 5% of such spaces but not less than two.
  - (3) More than 40 but not more than 100: 4% of such spaces but not less than three.
  - (4) More than 100 but not more than 200: 3% of such spaces but not less than four.
  - (5) More than 200 but not more than 500: 2% of such spaces but not less than six.
  - (6) More than 500 but not more than 1,000: 1 1/2% of such spaces but not less than 10.
  - (7) More than 1,000 but not more than 2,000: 1% of such spaces but not less than 15.
  - (8) More than 2,000 but not more than 5,000: 3/4 of 1% of such spaces but not less than 20.
  - (9) More than 5,000: 1/2 of 1% of such spaces but not less than 30.
- C. Sign requirements for and location of handicapped parking spaces. Each parking space designated as reserved under the provisions of Subsection B or each pair of such spaces shall be identified by a permanently installed above-grade sign located at a height of not less than five feet and not more than eight feet to the top of the sign with white lettering against a blue background and shall bear the words "Handicapped Parking, Special Plate Required, Unauthorized Vehicles May Be Removed at Owner's Expense," and must also contain the international symbol of accessibility, which is a person in a wheelchair. Such parking spaces shall be as near as possible to a building entrance or walkway, shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person, shall be 12 feet wide or have two eight-foot-wide areas with four feet of crosshatch between them and shall contain the international symbol of accessibility on their surface. However, on unpaved lots, parking spaces shall be designated only by the sign as defined in this section. Where the designated parking space cannot be located within 200 feet of an entrance accessible to the physically handicapped, a drop-off area accessible to the physically handicapped shall be provided within 100 feet of such entrance.
- D. Regulation of unauthorized vehicles in handicapped spaces.

- (1) The penalty for parking in violation of this handicap parking bylaw shall be in accordance with the provisions of MGL c. 40, §21. The vehicle may be removed according to the provisions of MGL c. 40, §22D. This provision shall be enforced by the Uxbridge Police Department.
- (2) The penalty for failure to establish and maintain the parking spaces and signs required by Subsections B and C shall be \$200 for each day such failure continues. This provision shall be enforced by the Building Inspector.

## Chapter 336

### WATER CONSERVATION

§ 336-1. Authority

§ 336-2. Purpose

§ 336-3. Definitions

§ 336-4. Declaration of state of water  
supply conservation

§ 336-5. Restricted water uses

§ 336-6. Public notification of state of  
water supply conservation;  
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§ 336-7. Termination of state of water  
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DEP orders

§ 336-9. Violations and penalties

§ 336-10. Severability

**[HISTORY: Adopted by the Town Meeting of the Town of Uxbridge (Section XXVII of the 2005 Compiled General Bylaws).]**

#### GENERAL REFERENCES

— See Ch.

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#### § 336-1. Authority

This bylaw is adopted by the Town under its police powers, public health and welfare and its powers under MGL c. 40, § 21 et seq., and implements the Town's authority to regulate water use pursuant to MGL c. 41, § 69B. This bylaw also implements the Town's authority under MGL c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

#### § 336-2. Purpose

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a state of water supply conservation or state of water supply emergency by providing for enforcement of any duty, imposed restrictions, requirements, provisions or conditions imposed by the Town or by Department of Environmental Protection.

#### § 336-3. Definitions

As used in this bylaw, the following terms shall have the meanings indicated:

ENFORCING PERSON(S) — Those designated by the Board of Selectmen to enforce this bylaw.

PERSON — Any individual, corporation, trust, partnership or association, or other entity.

STATE OF WATER SUPPLY CONSERVATION — A state of water supply conservation declared by the Town pursuant to § 336-4 of this bylaw.

STATE OF WATER SUPPLY EMERGENCY — A state of water supply emergency declared by the Department of Environmental Protection under MGL c. 21G, §§15 through 17.

WATER USERS or WATER CONSUMERS — All public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

#### **§ 336-4. Declaration of state of water supply conservation**

The Town, through its Board of Selectmen, may declare a state of water supply conservation upon a determination by a majority vote of the board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a state of water conservation shall be given under §336-6 of this bylaw before it may be enforced. The Board of Selectmen may allow waivers, exceptions or modifications to individual water users for special circumstances.

#### **§ 336-5. Restricted water uses**

A declaration of a state of water supply conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under §336-6.

- A. Odd/even day outdoor watering. Outdoor watering by water users with odd-numbered addresses is restricted to odd-numbered days. Outdoor watering by water users with even-numbered addresses is restricted to even-numbered days.
- B. Outdoor watering ban. Outdoor watering by water users is prohibited.
- C. Outdoor watering hours. Outdoor watering by water users is permitted only during daily periods of low demand, to be specified in the declaration of a state of water supply conservation and public notice thereof.
- D. Filling swimming pools. Filling of swimming pools by water users is prohibited.
- E. Automatic sprinkler use. The use of automatic sprinkler systems by water users is prohibited.

#### **§ 336-6. Public notification of state of water supply conservation: notification of DEP**

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a state of water supply conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the state of water supply conservation. Any restriction imposed under § 336-5 shall not be effective until such notification is provided. Massachusetts Department of Environmental Protection.

#### **§ 336-7. Termination of state of water supply conservation; notice**

A state of water supply conservation may be terminated by a majority vote of the Board of Selectmen, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a state of water supply conservation shall be given in the same manner required by § 336-6.

#### **§ 336-8. State of water supply emergency: compliance with DEP orders**

Upon notification to the public that a declaration of a state of water supply emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the state of emergency.

#### **§ 336-9. Violations and penalties**

Any person violation this bylaw shall be liable to the Town in and amount of \$50 for the first violation and \$100 for each subsequent violation which shall inure to the Town's Water Fund. Fines shall be recovered by indictment, or by noncriminal disposition in accordance with MGL c. 40, §21D. Each day of



violation shall constitute a separate offense.

**§ 336-10. Severability**

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.